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## IN MEMORIAM

ALBERT MONTEFIORE HYAMSON

1875-1954

The death on October 5th of Albert M. Hyamson has deprived the ranks of Anglo-Jewish scholars of a remarkable personality, and the Anglo-Jewish community of an able historian and observant chronicler. Hyamson was not a "professional" scholar in the sense of deriving his livelihood from an academic post, but proved himself a true scholar in the wide range of his interests, the precision of his work, and, above all, his sense of vocation, which impelled him to undertake tasks not superficially spectacular but essential, **לזכות את הרבים**, "in order to benefit society."

Hyamson's profession was that of a Civil Servant (first in the Post Office and afterwards, until he retired in 1934, in the Government of Palestine, as Director of the Department of Immigration). His services were rewarded with the O.B.E. in 1931. His literary activity, pursued at the same time, extended to a great variety of topics, ranging from *Elizabethan Adventurers of the Spanish Main* to the well documented *The British Consulate in Jerusalem*.

Hyamson's chief field of interest was, from the very beginning, Anglo-Jewish history. As early as 1905 he published *The Story of the Whitehall Conference and the Return of the Jews to England*, followed by *The Jubilee of Jewish Emancipation in England* (1908), *A History of the Jews in England* (1908; second ed. 1928), *David Salomons* (1938), *Anglo-Jewish Notabilities* (1949, in collaboration with A. Rubens and A. P. Arnold), *The Sephardim of England* (1951), and *The London Board for Shechita*, published in the year of his death.

The individual personality, the living subject of history was for Hyamson the centre of interest. He felt that a biographical and statistical survey of English Jews must form the basis of Anglo-Jewish historiography, and his *Jewish Surnames* and *Jewish Obituaries* are contributions towards its realisation. He conceived also the remarkable *Plan of a Dictionary of Anglo-Jewish Biography* (as yet unpublished), and edited for ten years (1940-1950) *The Jewish Year Book*. He did not confine himself to the Jewish sector, for he published in 1915 *A Dictionary of Universal Biography* (second ed. 1951) and in 1950 appeared his *Palestine under the Mandate*.

Hyamson fully realised the need of co-operation in scholarship and spared no efforts to achieve it. The Jewish Historical Society, the Palestine Exploration Fund, the British School of Archaeology in Jerusalem, and other scholarly and literary enterprises owe very much to him. The *Journal of Jewish Studies* is particularly indebted to him. He became a member of the Editorial Board and its Secretary at a critical period in the history of the *Journal*, and his wise counsel and devoted work helped considerably in assuring its continuation. His urbanity and gentleness of manner endeared him to everybody, and he will be sadly missed by those who knew him.



# PRIESTS AND SACRIFICES IN THE DEAD SEA SCROLLS

(A QUESTION OF METHOD IN HISTORICAL RESEARCH\*)

Scholars who conclude from their examination of the contents of the Dead Sea Scrolls (the Habakkuk Scroll, the Manual of Discipline, and the Damascus Fragments) that the sect of the Scrolls must be placed in the pre-Christian period share the assumption that *moreh hassedeq* (the True Teacher), the founder of the sect, was a sacrificing priest of the Second Temple, and that the sect itself had a class of sacrificing priests. This assumption, however, is flatly contradicted by statements in the Scrolls themselves, which disclose that the custom of animal sacrifices did not exist among the sect.

Thus, in the Manual of Discipline (ix, 3-5) we read that "loving charity has the value of the acceptable offering of meat and fat of sacrificial animals; praise of God's justice the value of the pleasing offering of incense; and integrity of behaviour the value of the acceptable oblation." The meaning of this passage leaves nothing to doubt; and all scholars agree—one of the very few points on which this is so—that it implies the rejection of sacrifices and their replacement by prayer, deeds of charity, and the moral life.

There is nothing so explicit in the Damascus Fragments. But we have there the emphatic prohibition of eating of animals. "Nobody," we read on p. xii, 11-12, "shall defile himself by eating any animal or creeping being" (אל ישקץ איש את נפשו בכל החיה). Only fish, locusts, and perhaps crabs are excepted. The prohibition of the consumption of meat implies the prohibition of the slaughtering of animals. We read therefore, not surprisingly, on the same page xii, 6-7: "Nobody shall put his hand to slaying for any Gentile in order to get money or make a profit" (אל ישלח איש את ידו לשפוך דם לאיש מן הנזרים בעבור הון ובצע). All translators of this passage render the phrase לשפוך דם לאיש מן הנזרים with the words: "to shed the blood of a man of the Gentiles," or with words to the same effect. This rendering is untenable, indeed absurd, since it implies that a general licence was granted to the members of the sect to kill Gentiles for any motive except material gain. It is reassuring to find that this absurd rendering rests upon an ungrammatical construction of the Hebrew: לשפוך דם לאיש cannot mean "to shed the blood of a man," but "to slay or kill for a man." The passage in the Damascus Fragments merely prohibits the slaughtering of animals for a Gentile. There was no

\* Communication read at the XXIIIrd International Orientalists' Congress in Cambridge, August, 1954.

need to state that a member of the sect was not allowed to do it for himself, since he was not allowed even to eat meat.

No consumption of meat means no killing of animals, and both together mean no sacrifices of animals. It is inconceivable therefore that the sect of the Dead Sea Scrolls should have had a class of sacrificing priests. Any interpretation of the Scrolls which assumes the existence of sacrificing priests among the sect is thus committed to a logical contradiction, and must be discarded.

\* \* \*

Is this contradiction in the interpretations of Hebrew scholars or is it in the minds of the members of the sect? Are not terms used in the Scrolls, such as "Sons of Zadok," "priest," "altar," "burnt offering," etc., which in the Hebrew Bible refer to sacrificing priests and sacrifices of animals? Have not such terms the same meaning in the Scrolls, and did not, after all, the sect of the Scrolls have a class of sacrificing priests and indulge in animal sacrifice?

Let us now examine these terms in their context. In the passage of the Damascus Fragments (iii, 21- iv, 2) the text from Ezekiel (liv, 15) is first quoted in a version slightly different from MT: "The Priests, the Levites, and the Sons of Zadok who kept the charge of my sanctuary when the children of Israel went astray from me—they shall offer unto me fat and blood." Then the author of the Fragments goes on to explain the meaning of the biblical passage. He says: "The Priests are the Penitents of Israel who went out from the land of Judah and those who joined them; and the sons of Zadok are the Elect of Israel, called by the Name who exercise their ministry during the last period of history" הַכֹּהֲנִים הֵם שְׂבִי יִשְׂרָאֵל הַיּוֹצֵאִים מֵאֶרֶץ יְהוּדָה וְהַנְּלוּיִם עִמָּהֶם וּבְנֵי צַדוֹק  
הֵם בְּחִירֵי יִשְׂרָאֵל קְרוּאֵי הַשֵּׁם הַעֲמִידִים בְּאַחֲרִית הַיָּמִים.

The author of the Fragments could hardly have indicated more clearly and explicitly that he regards the terms "priests," "Levites" and "Sons of Zadok" as mere metaphors which he derived from the passage in Ezekiel and adopted as a designation of the members of his own sect and its teachers and spiritual leaders. Relying on his typological exegesis of Ezekiel, he obviously considers his sect the embodiment and realisation of the prophet's prognostic utterances. Only a complete misunderstanding of the text of the Fragments and of the intention of its author justifies a literal interpretation of the metaphors and prompts the notion that a class of sacrificing priests and a sacerdotal family of the "Sons of Zadok" existed among the sect of the Dead Sea Scrolls.

An examination of the passages in the Damascus Fragments in which "sacerdotal" terms occur leads to the same conclusion. On p. xi, 17-21, we read: "No man shall offer on the altar on the Sabbath day except the burnt offering for the Sabbath, for thus



it is written: 'only your Sabbaths.' No man shall send to the altar burnt offering, grain offering, frankincense, and wood (or sticks) through a man contaminated by any kind of uncleanness (שֹׁמֵא בְּאַחַת מִן הַטֹּמְאוֹת) who will accordingly contaminate the altar. For it is written: 'The sacrifice of the wicked is an abomination but the prayer of the just is like an acceptable offering.'" The lack of the mention of a priest in this passage, the reference to "the prayer of the just" at the end of it, and the whole context make it clear beyond any doubt that the situation envisaged here is not that of a sacrifice of animals. For if the unclean or contaminated messenger ("unclean" means here as evidenced by the Manual of Discipline, iii, 5ff., "immersed in sin") could contaminate the altar, he must obviously place the offerings on the altar himself and recite prayers on behalf of the sender. That this was so is clearly indicated by the concluding biblical quotation: "The sacrifice of the wicked is an abomination, but the prayer of the just is like an acceptable offering" (partly a pastiche from Prov. xv, 8, 29). The passage of the Fragments inculcates that the prayer of the sinner lacks efficacy, and it shows at the same time that the members of the sect offered on the altar gifts in money and in kind, but not animals.

Another passage in the Damascus Fragments (xiii, 5) prescribes that when a case of "blemish" (נֹכַח) occurs, the "priest" should refer to the higher authority, that of the *mebhaqqer*, for judgment. Does this passage reveal, as it is generally taken for granted, that the biblical laws of "blemishes" (Lev. xiii, 9ff.) were adhered to by the sect and that their "priests" exercised in this respect the same function as the priests in the Bible? The plain tenor of the passage excludes this; for, according to it, the "priest" is deprived precisely of the power of judging cases of "blemish." The term "blemish," I submit, is here a metaphor for "apostasy" or "possession by demons," which are submitted for judgment to the bishop, the *mebhaqqer*. It has nothing to do with the biblical "blemish."

In all the other passages in the Damascus Fragments (except one) in which the term "priest" occurs there is not the slightest hint that would suggest that it refers to sacrificing priests. Quite to the contrary. The passages on p. xiv, 3 and 5-6, deal with the qualifications of a "priest" and his place in the community. He must, for instance, be over thirty years old and learned in the "Book of Hagu" as well as in the "judgments of the Torah." His function is obviously of a didactic nature. Indeed, the passage on p. xiii, 5, requires that a "priest" be included in any group of ten men in order to instruct and guide them. Surely, if such a "priest" was a sacrificing priest, the sacrificial cult must have been split up in a multiplicity of fragments to an extent that baffles the imagination?

But he was a teacher, not a sacrificing priest, and the term "priest" applied to him in the Fragments is merely a metaphor.

The only exception is the passage on p. ix, 13ff., in which it is stated that the "priest" should hear the confession of a guilty person who had illegitimately appropriated an object that did not belong to him, and the right ownership of which could not be established. The guilty person, it is ruled, should give the "priest" the "ram of sin offering." Does the latter expression refer to a sacrificial animal, and is the "priest" here a sacrificing priest? Or are the expressions "ram" and "priest" metaphors? This is a case of ambiguity that cannot be decided either way on the strength of this passage alone. But, I submit, it is the requirement of a sound method that ambiguous instances should be subsumed under clear and certain statements, and, since the sect of the Scrolls had neither sacrifices nor sacrificing priests, we must consider the expressions "ram" and "priest" metaphors, not interpret them literally.

If we turn now to the Manual of Discipline, the same picture of the function of the "priest" within the sect emerges very clearly. This function is to interpret the Torah and discover its hidden meaning, to watch the observance of the Covenant and to search for the will of God (v, 1-3 ; 7-9). Two parallel passages in the Manual make it clear beyond any doubt that the "priest" is a teacher who searches the Scripture, not a sacrificing priest:

"Wherever there are ten men, members of the community, a priest should be always present with them" (vi, 3-4).

ובכל מקום אשר יהיו שם עשרה אנשים מעצת היתד אל ימש מאתם איש כוהן

"Wherever there are ten men, a man who searches the Scripture day and night should be present with them" (vi, 6-7).

ואל ימש במקום אשר יהיו שם העשרה איש דורש בתורה יומם ולילה

The term *kohen* (priest) is thus equivalent to the term *doresh hatorah* (he who searches the Scripture).

In all the other passages of the Manual of Discipline the function of the "priest" is to pronounce blessings, recite prayers, share in the administration of the community, but never to sacrifice.

Finally, in the Habakkuk Scroll the term "priest" denotes again the teacher, the spiritual leader of the sect, not the sacrificing priest. In ii, 8-9, it is the *kohen*, the "priest," who explains the relevance of the text of Habakkuk for his own time—a didactic, not a sacerdotal, function. The "Impious Priest" (*kohen harasha*), the antagonist of the "True Teacher" (*moreh hassedeq*), is also a teacher, not a sacrificing priest. There is not a single expression in the whole Scroll that would suggest a connection between the



"Impious Priest" and the sacrificial cult of the Jerusalem Temple. He is called indeed also *matṭif hakazabh*, "the preacher of Lies"—a term that is hardly fit to describe a sacrificing priest. Scholars who explain the contents of the Habakkuk Scroll in terms of a conflict between the High Priest and another Priest of the Second Temple change the expression *kohen harasha'* (the Impious Priest) into that of *kohen har'osh* (the High Priest)—a procedure which offers the advantage of opening a wide range of speculative interpretations of the Scroll, but hardly recommendable on other grounds. The designation "priest" which is applied to the antagonist of the True Teacher indicates that the former was a teacher and spiritual leader within the sect at least in the beginning of his career. This is in fact clearly stated in the Habakkuk Scroll, viii, 8f., and any interpretation of the Scroll must start from this point.

But what about the phrase "the last Jerusalem priests" in the Habakkuk Scroll (ix, 4-5)? Does it not refer to the sacrificing priests of the Temple? The context throws no light on the meaning of the term "priests" in this passage; but, since the constant usage of the term "priest" in the Scrolls designates teachers of the sect, not sacrificing priests, the phrase "the last Jerusalem priests" must refer to the teachers and spiritual leaders of the sect who lived in Jerusalem. Those who claim that the phrase refers to the sacrificing priests of the Second Temple must show reason why the term "priest" in this particular passage of the Habakkuk Scroll should be treated as an exception.

It is thus clear that there was no contradiction in the minds of the members of the Dead Sea Scrolls when they rejected the sacrifice of animals and at the same time employed "sacerdotal" terms such as "priests," "Sons of Zadok," "altar," "burnt offering," etc. These terms are, as the passages of the Scrolls proclaim with a single voice, mere metaphors.

This conclusion might raise two difficulties. The first is that all students of the Dead Sea Scrolls accept almost as a dogma the proposition that the sect adhered tenaciously to the laws of the Bible. How is it then, it may be asked, that it rejected the sacrifices prescribed in Bible? The fact, however, is that the sect did not adhere to all the laws of the Bible; it rejected divorce allowed by the Bible and motivated the rejection by a quotation of Jesus' saying in Mark x, 6, and it also rejected the penalty of death prescribed by the Bible for the profanation of the Sabbath (Damascus Fragments, xii, 3-4).

The second difficulty may be formulated as follows: The use of biblical "sacerdotal" terms seems to be unprecedented—is it not then special pleading for the purpose of removing a contradiction to contend that the sect of the Scrolls inaugurated this usage? As a matter of fact, the sect of the Scrolls did not

inaugurate this usage. Already in the Hebrew Bible the term "priest" is used as a metaphor, as, for example, in Ex. xix, 6: "kingdom of priests," and in Is. lxi, 6: "But you shall be named the priests of the Lord; ministers of our God you shall be called." These passages, it is important to remember, are applied in the New Testament to Christians (I P. ii, 9; Rev. i, 6; v, 10; xx, 6). Indeed, nothing seems to be more natural than that Christians who conceived Jesus as the High Priest in a metaphoric sense (this conception is clearly expressed in the Epistle to the Hebrews and underlies also the account in John's Gospel) should have called "priests" his ministers on earth. A striking instance of the Christian usage is to be found in a passage of the Syriac Didascalia Apostolorum: "The Apostles have also decreed that there shall be Elders in the Church like the holy Priests, the sons of Aaron and Deacons, like the Levites; and Subdeacons, like those who carried the vessels of the court of the sanctuary of the Lord; and an Overseer, who should be the leader of all the people, like Aaron the High Priest, chief and leader of all the Levites and priests and of all the camp" (English translation by Margaret Dunlop Gibbons, London, 1903, p. 19). The passage of the Didascalia offers an exact parallel to the Damascus Fragments and proves conclusively the Christian character of the latter.

Further evidence of the metaphoric use of the term "priest" was found in Dura Europos. Here, Samuel is described in the Greek inscription as *presbyteros* of the Jewish (or is it a Jewish Christian?) synagogue, but in the corresponding Aramaic inscription as *kahana* (priest). And, finally, the Essenes, who according to Josephus' account, offered no sacrifices, had, nevertheless, a body of elective "priests." Surely, the Essene "priests" were not sacrificing priests.

Josephus' statements about the Essenes got the scholars who claim that the sect of the Dead Sea Scrolls is identical with the Essenes into an almost inextricable logical tangle. For these scholars maintain at the same time that the sect of the Scrolls indulged in animal sacrifices and had a class of sacrificing priests, which is, of course, in flat contradiction with Josephus' description of the Essenes. The contradiction has not escaped the attention of these scholars, and they have attempted to remove it by means of the concept of "evolution." The sect of the Scrolls, they claim, is identical with the Essenes, but two different stages in the "evolution" of the sect must be distinguished; at first the sect had sacrifices of animals and a sacrificial priesthood (the stage represented by the Habakkuk Scroll and the Damascus Fragments) but afterwards it abandoned sacrifices (the stage represented by Josephus' description and the Manual of Discipline). It may be difficult to find a more striking instance of the misuse of the term of "evolution"; for it is clearly a defiance to all logic and scientific



method to remove a contradiction between two terms by stating that one term represents an earlier, and the other a later, stage of "evolution." The most extraordinary thing, however, about this statement of the scholars is that their basic assumption is purely fictitious. The sect of the Dead Sea Scrolls had in fact neither animal sacrifices nor a sacrificing priesthood at any stage of its evolution, and the scholars who make the assumption to the contrary are moved by nothing else than by their determination to date the Scrolls in the pre-Christian period and connect them with the priesthood of the Second Temple.

But, are then, it will be asked, the Essenes identical with the sect of the Dead Sea Scrolls since they share in common with the latter the rejection of animal sacrifices, of a sacrificial priesthood, and of other features? I think they are in some respect identical, but not in the sense as it is assumed by other scholars. A study of the relevant historical sources about the Essenes, which I have undertaken but not yet completed, has led me to the conclusion that a Jewish sect of the Essenes, such as it is described by Josephus Flavius, never existed. Josephus' description of the Essenes is a composite picture, the main traits of which are derived from the observations made by an outsider of the early Christian communities. Hence the undeniable similarity between the Essenes, the early Christians and the sect of the Dead Sea Scroll.

\* \* \*

In conclusion, the examination of the relevant passages in the Habakkuk Scroll, the Damascus Fragments, and the Manual of Discipline, shows beyond any doubt that the terms "priests" and "Sons of Zadok" are metaphors applied by the sect to their teachers and spiritual leaders. It is beyond all question that the sect of the Dead Sea Scrolls, which prohibited the killing and eating of animals, had neither animal sacrifices nor a sacrificing priesthood.

Scholars who explain the contents of the Dead Sea Scrolls in reference to animal sacrifices and the priesthood of the Second Temple appear thus to have taken demonstrably metaphoric expressions *à pied de lettre*, notwithstanding the insoluble contradictions in which this has involved them. All this raises the question whether or not the explanation of historical and literary documents based on contradictions is the correct method in historical research.

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# THE LITURGY OF HANUKKAH AND THE FIRST TWO BOOKS OF MACCABEES—I

Elbogen<sup>1</sup> refers briefly to two passages of the *First Book of Maccabees* which have been incorporated into the Prayer 'al ha-nissim for Hanukkah. Yet no attempt has been made to investigate more closely the Liturgy of Hanukkah in its relationship to the *First* or possibly even to the *Second Book of Maccabees*.

That 'al ha-nissim for Purim contains quotations from the *Book of Esther* has been noted everywhere. But what does it imply that 'al ha-nissim for Hanukkah has quotations from *Maccabees*? Are they direct or indirect ones? At what time were they inserted? Were *Maccabees* always considered to be on the same religious level as *Esther* or did they originally belong to a lower canonical stratum? Is the formulation of the Hanukkah Liturgy dependent on that of Purim or vice versa, or were the liturgies for both festivals compiled at the same time?

The canonisation of the *Book of Esther* took place at a later date than all other books of the Bible. R. Jehudah b. Ezekiel, who died at the end of the third century, could still maintain that *Esther* "does not defile the hands," i.e., that it does not have full canonical sanctity. It must also be borne in mind that it has been suggested since the days of Reuss, Grätz, and Cornill that our text of the *Book of Esther* had its final editing during or even after the Maccabean period. Especially chapter ix, with its ordinances on the annual observance of Purim, betrays close affinities to *I Maccabees* iv, 59, and II, x, 8, with their corresponding regulations for Hanukkah.<sup>4</sup>

It is very difficult, however, to ascertain whether in these early days formulations in *Esther* influenced the style of *Maccabees* or vice versa. In aggadic parlance, the peculiar position of the *Book of Esther* in the Canon is expressed in the following way: שלחה להם אסתר לחכמים קבעוני לדורות and again שלחה להם אסתר לחכמים כתבוני לדורות "Esther sent to the sages (asking them) 'Establish me,' or 'Write an account of me for posterity,'"<sup>5</sup> After

<sup>1</sup> *Der Jüdische Gottesdienst*, 3rd ed., 1931, pp. 130f., and notes on pp. 537 and 589. להשכיחם תורתך ולהעבירם מדחק רצונך is compared to *I Mac.* i, 49, and 'I וקבעו שמות ימי חנכה אלו להורות ולהלל וכו' to *I*, iv, 59.

<sup>2</sup> *Maccabees* will henceforth be used if reference is made to the first two Books of *Maccabees*.

<sup>3</sup> The tradition is given in the name of Samuel in *Megillah* 7a; cf. also *Sanhedrin* 100a.

<sup>4</sup> Cf. also the description of the honour paid to Jonathan with that paid to Mordecai: i, x, 63 and *Esther* vi, 8ff.

<sup>5</sup> Cf. *Megillah* 7a. To counterbalance the early reluctance of the sages to accept the *Book of Esther* as sacred literature we are told in the *Yerushalmi Megillah* 70d by Palestinian Amoraim of the third century that the *Megillah* was given to Moses (*ne'emra*).



some argument they yielded to her request. The context of this quotation shows that the terms *qabha' ledhoroṯ* or *kathabh ledhoroṯ* mean "to canonise."

\* \* \*

The original Hebrew version of the *First Book of Maccabees* on the other hand—not to speak of the Greek text of the *Second*—was never officially accepted into the Hebrew Canon. In *T.B. Yoma* 29a, R. Assi, a Babylonian Amora of the first generation, compares Esther to the early dawn: "as the early dawn is the end of the night, so is Esther the end of all miracles." The Gemara then asks: "But there is Hanukkah!" The reply is: *נתנה ליכתב* <sup>1</sup> קא אמרינן. "Only canonised or inspired literature is under discussion," the implication being that at this time at any rate the story of Hanukkah was excluded from the Canon. There is is another oft-quoted passage in the *Halakhoth Gedholoth*.<sup>2</sup> זקני בית שמאי ובית הלל כתבו מגילת בית חשמונאי ועד עכשיו לא עלה לדורות עד שיעמוד כהן לאורים ותמים. "The elders of Beth Shammai and of Beth Hillel wrote the scroll of the Hasmoneans, but it has not been canonised yet (and will not be), until a priest with *Urim* and *Tummim* will arise."<sup>3</sup> Scholars differ regarding the identification of this scroll. Some see in it an allusion to the original Hebrew version of the *First Book of Maccabees*.<sup>4</sup> Others associate it with the prototype of the so-called *Scroll of Antiochus*,<sup>5</sup> a medieval pseudepigraphic work, which can ultimately be traced back to *Maccabees*, though it is of much less historical value.

There are, however, many passages in early and late Rabbinic literature which show quite clearly that *Maccabees* were well known to the sages, even if they were not considered to be of the same religious value as, for instance, Ben Sirach's *Book of Wisdom*.<sup>6</sup>

<sup>1</sup> Cf. also *Yerushalmi Megillah* 70a: *nittnah lehiddaresh*.

<sup>2</sup> They belong to the first part of the ninth century. Cf. ed. HILDESHEIMER, 1888, p. 615, and ed. Vienna, 1810, 104c. The exact version of the text is not established.

<sup>3</sup> For a different interpretation of the text see F. M. ABEL, *Les Livres des Maccabées*, 1948, p. xvii, in the name of GINZBERG: "Les plus anciens des disciples de Shammai et de Hillel ont écrit la *Megillath Beth Hashmonai*; mais jusqu'à présent rien n'est connu de la *Megillah* et cette ignorance se prolongera jusqu'à ce qu'apparaisse le prêtre avec le *Ourim* et le *Toummim*." The above-mentioned terms *qabha' ledhoroṯ* and *kathabh ledhoroṯ* seem to be decisive for the correctness of our rendering.

<sup>4</sup> See KRAUSS, *La Fête de Hanoucca*, in *REJ*, xxx (1895), p. 215, and ABEL, *l.c.*

<sup>5</sup> Cf. MOSES GASTER, *The Scroll of the Hasmoneans*, in *Transactions of the Ninth Congress of Orientalists*, Section III, London, 1893; I. ABRAHAMS, *An Aramaic Text of the Scroll of Antiochus* in *JQR*, xi (1899), pp. 291ff. S. ATLAS and M. PERLMANN, *Saadya on the Scroll of the Hasmoneans*, in *Proceedings of the American Academy for Jewish Research*, vol. 14 (1944), p. 1ff.

<sup>6</sup> Cf., e.g., *Baba Qama* 92b, and S. SCHECHTER, *The Quotations from Ecclesiasticus in Rabbinic Literature*, *JQR*, iii (1891), pp. 682-706. In contradistinction to such usage of apocryphal literature, I could not find a single citation from *Maccabees* which was introduced by *shenne'emar* or *kakkathubh*.

which was frequently quoted for aggadic purposes, as if it belonged to the Bible.

The gradual readaptation of the Maccabean records took place in various ways. Both the scholion on *Megillath Taanith*<sup>1</sup> for the twenty-fifth of Kislew and *T.B. Shabbath* 21b show clear reminiscences of *I Maccabees* iv, 59, and *II Maccabees* x, 8.<sup>2</sup> Similarly the *Mishnah Middoth* i, 6: "There were four rooms in the Chamber of the Hearth . . . in that to the north-east the sons of the Hasmoneans had hidden away the stones of the altar which the Grecian (Syrian) kings had defiled" is to be explained in the light of *I Maccabees* iv, 46: "They (the Hasmoneans) pulled down the altar, and laid down the stones in a convenient place."<sup>3</sup> Moreover, Hanukkah is described as *mišwath zeqenim*, an ordinance of the elders. "A man should not say 'I am not going to fulfil the ordinances of the elders because they are not written in the Law.' The Holy One, blessed be He, says to such a man: 'No my son, fulfil all their decrees, as it says, according to the Law which they (the elders) will teach you in future.'"<sup>4</sup> There seems to be a connection with the following passage in *II Maccabees* x, 8: "They passed a public order and decree that all the Jewish nation should keep these days every year."<sup>5</sup> The *Babylonian Talmud* speaks elsewhere of a *Beth Din* of the Hasmoneans, though without reference to the ordinance of Hanukkah.<sup>6</sup>

In addition, various verses from the Torah, the Prophets, and the Hagiographa were interpreted as prophecies relating to the Hasmonean dynasty. If *Maccabees* could not be quoted as canonical the events they describe could at least be projected back into sacred literature. Levi, for instance, the ancestor of the royal house, is singled out from the days of Jacob to fight against the Greek oppressors.<sup>7</sup> The Jerusalem *Targum* on the blessing of Moses is even more explicit in its reference to the Maccabeans. The Biblical passage says of Levi, that his enemies shall not rise up against him. The Jerusalem *Targum* renders the verse in the following way: "The enemies of the High Priest Johanan shall be unable to rise."<sup>8</sup>

The very date of Hanukkah is foretold in the Torah by a

1 Ed. LICHTENSTEIN, *HUCA*, vols. viii, ix (1931/32), p. 341.

2 See above p. 100, note 1.

3 Compare also 'Abhodhah Zarah 52b with *I Maccabees* iv, 44.

4 *Pesiqta Rabbati*, ed. FRIEDMANN, p. 7b.

5 *Edogmatisan de meta koinou prostagmatos kai psefismatos* . . . Cf. also I, iv, 59. I shall henceforth refer to the various versions only where this is advisable for a better understanding of our problem.

6 Cf. *Sanhedrin* 82a, 'Abhodhah Zarah 36b.

7 Cf. *Midrash Tanhuma*, ed. BUBER, p. 110 and the parallel passages quoted there.

8 Cf. *Deuteronomy* xxxiii, 11 and RASHI *ad locum*. Also GEIGER, *Urschrift* 2nd edition, 1928, pp. 474 and 479; and GINZBERG, *Legends of the Jews*, vi, 156. The controversy on the identity of Johanan does not concern us here.



calculation, according to which the building of the Tabernacle was completed on the twenty-fifth of Kislev.<sup>1</sup>

In a similar way the lighting of the candlestick in the Tabernacle<sup>2</sup> is connected by the Midrash with that of the Hanukkah lamps which will still be kindled, even if no more sacrifices can be brought. In the Song of Hannah,<sup>3</sup> too, hints are discovered pointing to miracles and mighty divine manifestations, which will be done to the weak House of the Hasmoneans דרבית חשמונאי דהון חלשין יתעביון להון נמין ונבורן. Even the text of *Canticles* vi, 7: "Thy temples are like a pomegranate" is transferred into a eulogy on the House of the Maccabeans in the midrashic rendering of the *Targum*. "They are all as full of commandments as a pomegranate . . ."<sup>4</sup>

It is well known that Jerome, who still had a Hebrew copy of the *First Book of Maccabees* in front of him, referred a number of passages in *Zechariah* to the history of the Hasmoneans. Abel<sup>5</sup> gives a list of them, and introduces us also to the view of the Greek and Syriac Church Fathers on *Maccabees*. Jerome had apparently access to Jewish traditions, as his observations reoccur in the commentaries of Rashi and Ibn Esra, who are unlikely to have adopted these interpretations from Christian sources.

The so-called small Midrashim of the eighth, ninth, and tenth centuries also contain a good deal of literary reminiscences not only from *Maccabees* but also from most apocryphal works. Jellinek,<sup>6</sup> who edited these Midrashim, refers to some of their sources in his introductory notes, but a full inquiry into the sudden resurgence of the Apocrypha in Hebrew literature from the eighth century onwards in poetry,<sup>7</sup> Midrash, Yosippon,<sup>8</sup> and the Scroll of Antiochus<sup>9</sup> is still a scientific desideratum.

Saadya is the last of the early medieval scholars to attempt a systematic introduction to what he calls the *Kitab Bene Hashmonay*. He collected all scriptural passages which could be interpreted as

<sup>1</sup> See KRAUSS, *l.c.*, p. 77. He quotes *Pesiqta Rabbati*, Section 2, which mentions the rededication of the sanctuary by Moses and Solomon in connection with Hanukkah. We are reminded of the early co-ordination of these events in *II Maccabees* ii, 10ff. The description of the completion of the purified temple in *I Maccabees* iv, 51, seems itself modelled after *Numbers* vii, 1.

<sup>2</sup> Cf. *Numbers* viii, 2ff., NAHMANIDES on the passage, GINZBERG, *Legends*, iii, 217 and vi, 79; *Bemidbar Rabba* on *Numbers* 15, 5, and *Pesiqta Zutreta* on *Beha'alotheikha* as quoted by ATLAS-PERLMANN, *o.c.*, p. 22.

<sup>3</sup> Cf. *Targum* on *I Samuel* ii, 4.

<sup>4</sup> For a Hanukkah Midrash on *Canticles* vii, 7, cf. *Massekhet Soferim*, ed. HIGGER, ch. xx, Halakhah 3.

<sup>5</sup> *O.c.*, pp. viii-xvi.

<sup>6</sup> *Beth ha-midrash*, vols. i-vi, second ed., 1938.

<sup>7</sup> Cf. S. BAER'S *Siddur 'Abhodhath Yisrael*, and his notes on the *Yosroth* of Shabbath Hanukkah, pp. 629ff.

<sup>8</sup> Cf. the notes of J. F. BREITHAUPT on the relevant passages in his Latin and Hebrew edition of Josephus Gorionides, Gotha, 1707.

<sup>9</sup> See above, p. 101, n. 5. The Scroll was read during the Hanukkah service in either Aramaic, Arabic, Persian, or Hebrew, though without a benediction preceding it.

a prophecy relating to Hasmonean history. Moreover, he broke up his *Vorlage* into verses and equipped it with vowel and cantillation signs so that the understanding of it might be more complete.<sup>1</sup> It appears from the Geniza fragment published that it is not an Arabic version of *Maccabees* but of the *Megillath Antiochus*.

The later our Hebrew sources the more frequent the reminiscences from *Maccabees*, and the more striking the appearances of literary motifs from the Purim story in the colouring of that of Hanukkah.<sup>2</sup>

\* \* \*

Considering the manifold direct and indirect traditions about the Hasmonean dynasty, which had accumulated by the end of the first millennium, we shall not be surprised to find further quotations from, or perhaps rather reminiscences of, *Maccabees* in the actual Liturgy and Divine Service of Hanukkah. We shall discuss them in the order of the Prayer Book and begin with the kindling of lights. The first two *Books of Maccabees* know nothing of it as far as private homes are concerned. They merely speak of the illumination of the Temple on the occasion of its rededication. Josephus<sup>3</sup> refers to the lights which were kindled on the lampstand of the Temple, yet he adds that the festival was known as the Festival of Lights, which surely implies that lights were kindled everywhere already in the first century, probably in the Diaspora as well as in Palestine. What are the sources for the traditional usage? One solitary correct piece of information seems to be supplied by *Pesiqta Rabbati*<sup>4</sup>: "The festival of Hanukkah which we are celebrating is in memory of the dedication of the Hasmonean House, because it waged war against the Greeks and defeated them—and we now kindle the lights." This is quite straightforward and implies no miraculous event such as that of the oil, which lasted for eight days,<sup>5</sup> or that of the lances found in the Temple.<sup>6</sup> It is to be expected that a victory should be celebrated by general illumination. Moreover, there is a peculiar Halakhah which deals with the place where the lights should be placed.<sup>7</sup> Rabba says: "It is a commandment to place the Hanukkah lamp within a hand's breadth of the door." The lamp should be on the left, the

<sup>1</sup> Cf. ATLAS-PERLMANN, *o.c.*, pp. 20f, and HARKAVY, *Zikhron la-rishonim* v. 1891, pp. 151, 163, 181. For another reference to the *Scroll of the Hasmoneans* cf. S. J. RAPOPORT in *Bikkure ha-ittim*, xii (1831), pp. 80f. He quotes the introduction to *Sefer ha-ma'asiyyoth* by R. NISSIM BEN JACOB of Kairawan (early eleventh century).

<sup>2</sup> Cf. the *Megillath Antiochus*, in BAER'S *Siddur*, pp. 441f., verses 7f., 46, 73.

<sup>3</sup> *Antiquities*, ed. LOEB, vol. vii, book xii, 319.

<sup>4</sup> Chap. vi (FRIEDMANN, p. 23a) על חנוכה בית חשמונאי

אחת חנוכה שאנו עושין וזר לחנוכה בית חשמונאי על

<sup>5</sup> Cf. *Shabbath* 21b.

<sup>6</sup> Cf. *Pesiqta Rabbati*, p. 5a. According to ZUNZ and BACHER its final editing took place in the ninth century.

<sup>7</sup> *Shabbath* 22a and *Massekhet Soferim*, ed. HIGGER, xx, 3.



*mezuzah* on the right. The lights should also make the miracle known to the outside world. It appears that we have in this law a reminiscence of the *First Book of Maccabees* which explains the ruling of the Gemara. We read there<sup>1</sup>: "On the fifteenth day of Kislew . . . they set up upon the altar an 'abomination of desolation,' and in the cities of Judah on every side they established high places, and they offered sacrifices at *the doors of the houses* and in the streets." It was only natural that the newly gained freedom should be publicised by illumination at the very spot where idolatry was enforced upon the Jews.<sup>2</sup>

In connection with the Hanukkah lights attention should be drawn to two further statements. Beth Shammai holds (*Shabbath*, 21b) that they should be kindled in a descending order, *i.e.*, from eight on the first day to one on the last. One of the explanations given for Beth Shammai's view is that this would correspond to the decreasing number of bullocks which have to be sacrificed on each of the eight days of Sukkoth. Another Halakhah concerning Hanukkah rules that if the light of a lampstand exceeds twenty 'ammoth (ells), it is as unfit to be used as a tabernacle . . . of the same height (*Shabbath*, 22a). It may be suggested that these two Halakhoth are reminiscences of the *Second Book of Maccabees* (i, 9, and x, 6) which so conspicuously compares Hanukkah to the festival of Tabernacles.

The eulogy for kindling the light is mentioned for the first time in the name of Rabh, the well-known Babylonian Amora of the third century.<sup>3</sup> The decision to introduce this Halakhah speaks for the high esteem in which Hanukkah was held. Even the benediction before the reading of the *Scroll of Esther* was not yet obligatory at the time of the Mishnah (*Megillah*, vi, 1). It merely says that where there is the custom to make a benediction one does so. Only in the Gemara *ad locum*, Abbaye, a Babylonian Amora of the early fourth century, interprets the Mishnah in such a way as to make this benediction compulsory. The two festivals, Hanukkah and Purim, were thus co-ordinated in such way that one, or, as we shall see instantly, three, doxologies were to be made before the characteristic *miṣwah* of each.

The eulogies שהחיינו שעשה נסים לאבותינו בימים ההם בזמן הזה are of special interest. It appears that these *berakhoth*—in contradistinction to the 'al ha-nissim insertion of the 'Amidah—were originally coined for Hanukkah only. Neither the Yerushalmi<sup>4</sup> nor the Babylonian Talmud<sup>5</sup> mention anything of these two benedictions in relation to Purim before the time of R. Ashi,<sup>6</sup> one of the last

<sup>1</sup> *I Maccabees* i, 54f.

<sup>2</sup> A somewhat oblique reference to the Syrian decrees about the doors is to be found in one of the Hanukkah-Midrashim edited by JELLINEK, *Beth ha-midrash* vi, pp. 1, 4.

<sup>3</sup> *Shabbath* 23a and *Massekhet Soferim* xx, 4.

<sup>4</sup> *Sukkah* 53d. <sup>5</sup> *Shabbath* 23a, and *Sukkah* 46a.

<sup>6</sup> *Megillah* 21b.

Babylonian Amoraim of the early fifth century, while R. Hiyya bar Ashi, a disciple of Rabh, refers to the Hanukkah benedictions in the late third century.

The ordinary interpretation of the traditional text of the *she-'asa nissim* benediction would refer *ba-yamim ha-hem* to the time of the Maccabean rededication of the Temple, and *ba-zeman ha-zeh* to the renewed annual experience of the miracle at this time of the year. This is plausible, and support for such an interpretation could be gathered from *I Maccabees* iv, 59, "Judas and his brethren and the whole community of Israel decided that Hanukkah should be celebrated year by year at their *time*," and from the *Book of Esther* ix, 27, "The Jews ordained and took upon them and upon their seed . . . that they would keep these two days . . . according to the appointed *time* thereof every year."<sup>1</sup>

I should like to propose, however, to interpret this benediction in the light of *I Maccabees* iv, 55.<sup>2</sup> The English text in Charles's translation reads as follows: "At the corresponding time (of the month) and on the (corresponding) day on which the Gentiles had profaned it (the sanctuary), on that day was it dedicated afresh with songs and harps and lutes and with cymbals."

Josephus already stresses the exactness of the coincidences between the time of oppression and the delivery from it, when he discusses the story of Esther in his *Antiquities*<sup>3</sup>: "The bearers of the king's letter announced that on the thirteenth day of the twelfth month . . . they should destroy their enemies—on the very same day (*te aute hemera*) that is on which they themselves were to have been placed in danger . . . , for God has made it a day of salvation for them instead of destruction." Though the *Book of Esther* itself<sup>4</sup> implies the identity between the day set for the annihilation of the Jews and that of their liberation, it makes no explicit reference to it in the terms of Josephus.<sup>5</sup> He is still more outspoken when he discusses the Maccabean history<sup>6</sup>: "These things as it chanced took place on the same day (*kata ten hemeran ekeinen*) on which, three years before, their holy service had been transformed into an impure and profane form of worship. For the Temple, after being made desolate by Antiochus, had remained so for three years . . . and was renovated on the same day (*kata ten auten hemeran*)."

(To be continued)

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<sup>1</sup> See for this explanation ABUDRAHAM on Purim, ed. Venice 1566, p. 73d.

<sup>2</sup> *II Maccabees* x, 5 has a similar text.

<sup>3</sup> xi, 286.

<sup>4</sup> iii, 13ff; ix, 1ff; ix, 27.

<sup>5</sup> He repeats the reference to the coincidence in time twice more, see *Antiquities* xi, 281 and 294: *en tautais tais hemerai*.

<sup>6</sup> *Antiquities* xii, 320f.



## חותמו של הקב"ה אמת

### "GOD'S SEAL IS TRUTH"

(WHO IS THE AUTHOR OF THE APHORISM ?)

The number of ethical maxims and aphorisms transmitted in the name of first-century Tannaim is small in comparison with the rich collections ascribed to Tannaim of the second and Amoraim of the third centuries. Yet the first century of the common era was certainly the most eventful and the most decisive period in Jewish history from every aspect. It is therefore a question whether any maxims properly belonging to the first-century Tannaim have not been relegated in the transition period—between oral and written transmissions—to later Amoraim.

Several factors may have contributed to this. The Talmud often omits the Tanna's or Amora's patronym. Frequently we come across difficulties of identification of the Shimeons, the Joshuas, the Eleazars, the Haninas, and even the Gamliels. Writing in ancient times was done with the greatest economy, often half-words, and sometimes only initials were used, the scribe assumed that the reader—or rather student—will be able to fill up the gaps himself. The scribes were right as far as it concerned their own generation of students, but when copyists, many years later, transcribed the texts, identification of some of the Tannaim, but especially Amoraim, became a most intricate task. The works of Fraenkel,<sup>1</sup> Weiss,<sup>2</sup> Halevi,<sup>3</sup> Graetz,<sup>4</sup> Hyman,<sup>5</sup> and others testify to the great difficulties with which this study is beset. Already the Talmud itself knows of these difficulties. In a discussion on Rabbi Joshua's opinion about the prayer for rain, the Talmud asks "*which* Rabbi Joshua" ?<sup>6</sup> There are many such queries of identity.

In the case of Agada no special care may have been taken to hand over a saying in the name of its author. The maxim "whoever transmits a saying in the name of its author brings salvation to the world" was coined to remedy just this lack of care. It is remarkable that even this saying offers an instance of such omission. For while in Megillah 15a it is transmitted by Rabbi Eleazar in the name of Rabbi Hanina, the saying in Aboth vi, 19, is quoted

<sup>1</sup> *Darke ha-Mishnah*, Warsaw, 1923.

<sup>2</sup> *Dor Dor Ve-Doreshav*, Vilna, 1892.

<sup>3</sup> *Doroth Hari'shonim*, Pressburg, 1897.

<sup>4</sup> *Geschichte der Juden*, Vol. IV, Leipzig, 1866.

<sup>5</sup> *Toledoth Tannaim Wa-Amoraim*, London, 1910.

<sup>6</sup> *Ta'anith*, 3a, "הו"שע אלימא ר' הו"שע דמתני". A typical example of this uncertainty is: אמר רב יהודה אמר רב ואמר לה אמר אביי ואמר לה במתניתא תנא (*Shabbath* 92b)

without the name of the author. Although chapter vi of Aboth does not properly belong to the Mishna, most of the sayings are from Tannaim and it is puzzling that the very maxim that teaches that the author of a quotation should be mentioned fails to give the name of the one who said it. It is possible that some maxims, transmitted without a patronym, may have been ascribed to a more or less contemporary namesake whose memory was still fresh in the minds of his generation; thus earlier teaching was either transmitted anonymously or it was attached to a similar name of a later teacher.

There are cases where it is possible to transfer certain ethical teachings from the second and third centuries to the first century with a certain amount of confidence: (a) if it can be shown that a certain maxim does not completely harmonise with other teachings of the author to whom it is ascribed; (b) if it fits in well with the teaching of one who lived in an earlier generation; (c) if the transmission is given in the name of an Amora without a patronym.

I should like to examine one maxim which stands in the Talmud in the name of "Rabbi Hanina," חותמו של הקב"ה אמת "The seal of the Holy One, blessed be He, is Truth."<sup>1</sup>

It is an accepted rule that where "R. Hanina" is mentioned without a patronym it refers to Rabbi Hanina bar Hama, the premier Amora whom Rabbi, before his death, designated to become the president of his academy.<sup>2</sup> There are approximately forty Tannaim and Amoraim with the name of Hanina, some of them are mentioned without their patronyms and the rule that Hanina סתם means Hanina bar Hama is far from being general. Already, Samuel Edels (Maharsha) pointed out that the Hanina referred to in Erubin 29b should read Rabbi Hanina ben Dosa, the saintly Tanna who lived in the first century. Hyman<sup>3</sup> gives quite a list of Haninas without a patronym which could not possibly refer to the premier Amora. He often takes the author of *Dor Dor Ve-Doreshav* to task for his errors of identification, especially of Amoraim.

The maxim about God's seal was probably very popular already before the days of Rabbi Hanina bar Hama. It is based on Jeremiah x, 10. In Tractate Shabbath it is recorded in the name of R. Hanina, but we find this saying in the Yerushalmi<sup>4</sup> quoted by a later Palestinian Amora, R. Bibi, in the name of R. Reuben. This means that R. Bibi transmitted it in the name of his own master and he did not know who said it before his master's time.

There is a saying ascribed to R. Hanina bar Hama: "It is

<sup>1</sup> *Shabbath* 55a.

<sup>2</sup> חת"ב (פירוש"י: ראש הדיבור) (Kethuboth 103b).

<sup>3</sup> *Op. cit.*, pp. 488-508.

<sup>4</sup> *Sanhedrin*, Ch. I, Hal. 1.



better for a man to commit a sin in secret rather than desecrate God's name in public."<sup>1</sup> Without in any way entering into a discussion on the ethical import of this maxim, one is entitled to say that Truth knows of no compromise. It somehow does not harmonise with the saying about God's seal. On the other hand, Rabbi Hanina ben Dosa has been described as a prototype of a man of truth. Rabbi Eleazar of Madi'im, in commenting on Exodus xviii, 21, "Men of Truth," says: "Such as Rabbi Hanina ben Dosa and his companions."<sup>2</sup>

Hanina ben Dosa left an indelible impression on first-century Judaism. He is described as a disciple of Rabbi Yohanan ben Zakkai; that he was more than a disciple is to be derived from the account of Rabbi Yohanan's asking him to pray for the restoration of his son's health. This shows that R. Hanina must have been a pupil of Gamliel the Elder and that when he joined R. Yohanan he must have been already a well-known saintly figure. When R. Yohanan's wife remonstrated with her husband for not praying for their son's health himself he gave his opinion of R. Hanina; when she asked whether her husband was not as important in the eyes of God as R. Hanina, R. Yohanan answered her: "I am like a minister to the king, I can only come to see him when he sends for me, but Hanina is like God's slave, he can go in and out whenever he likes."<sup>3</sup>

There are few in the first century who equal him in fame, he was looked upon as the ideal type who stood for truth and sincerity. It is hardly possible that this outstanding figure should have left only three sayings that have been transmitted in his own name.<sup>4</sup> Maybe some of his teaching, like that of so many early Tannaim, has become common property of Jewish ethical teaching, but at least the maxim about God's seal can be ascribed to Rabbi Hanina ben Dosa with confidence.

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1 *Qiddushin* 40a.

2 ר' אליעזר המודאי אומר, , אנשי אמת כגון רבי חנינא בן דוסא וחביריו (*Mekhilta, Yithro*).

3 *Berakoth*, 34b.

4 *'Aboth*, iii, 10-11.

# A TWELFTH-CENTURY CIRCLE OF HEBREW POETS IN SICILY—II

(Continued from Vol. V, No. 2)

In the third poem Anatoli complains of his loneliness, his being far away from his home, country, and friends. He anxiously awaits, from day to day, a message or a letter. He asks his friend (to whom the poem is addressed) to "go out and fight against the army of separation," that is to say, console him by his friendship. How can he—Anatoli—worry while he has such a friend, who in addition has the best of medicine, a cup of wine? Let us, then, go to the garden and hand round the cup. "If evil Time should put in an appearance at our party, strike it as Sisera was struck when he was covered by the rug. Let us slowly drive nails into its temples and spill its bitter bile."

MS. B, fol. 3v.-4r.

לר' אנטולי ז"ל פי אלכאס ואלכמר<sup>58</sup>

בוגד שכר	אומר וקרא	און לנגיד	המשכיל הטא
תמליט זכר	כעת מחר	גפן הרה	ליליד העב
אותם זכר	דורש דמים	בס[י]ף כי לא	שפכה דמו
אותו מכר	נדיב לאשר	אפס וקרא	חשוב דמיו
אולי אשכר	מיין הטוב	השקה אותי	בכוס שהם
אקריב אשכר	על שלחנך	לתפוש רעי <sup>59</sup>	כי אם תוכל

MS. B, fol. 4r.-5v.

ולה איצי

דודים בתמר לאחוז סנסנים	מצל אהלים נרדה לגנים
ולקול בכיתה שחקו נצנים	לראות ערוגות מי בכי עב נמלאו
דשא כרקמת פז וציץ כשנים	כי פשטה תבל בול <sup>60</sup> ותעטה
כי נתנו מצעכם שושנים	ולאט מידעי לאט התנהלו
סיסים יצפצפו בראש אלונים	שימו לבבכם לענות שירים כקול
אלה ומעל הסעיפים יונים	ושתו לקול התור ישורר על ענף
שיחים ושמחה יעטו החונים	יתעלסו האוהבים לישב בצל
מראש שניר נשמע ומחרמונים	כי הגבעות תחגרנה גיל ושיר
ונעים זמירות נוסדו ורננים	היום בחברתכם תמודות נועדו
האהבה הזו עלי הפנים	שפכו דמי אשכול ומדמו בחי
אופל ופייע אור בעד חלונים	יתנו גביע נר למול דודים בליל
אשתה באהבתכם עשרת מונים	ושתו באהבתי גביעכם וכן

<sup>58</sup> "By R. Anatoli, about the drinking-cup and the wine." Eight short sonnets on wine from the Diwan (MS. B, fol. 4r, 5o-7r) have been printed in the anthology: ענב' הן (by A. M. HABERMANN), Tel Aviv, 1942, pp. 24-26.

<sup>59</sup> Or דעי, which gives the same meaning.

<sup>60</sup> This word does not fit in the metre, nor does the suffix suit the context.



ואיצי לה

ושית מרפא לנפשי הנבוכה  
כנקלה וחסר לב במדוכה  
והייתי כעוגה לא הפוכה  
אשר בם היתה נפשי סמוכה  
ואתהלך כתועה על שבכה  
ובלבבי חנית חשקם מעוכה  
ומכתבם ותוחלתי משוכה  
לבדה מכבוד דודים חשוכה  
כגבור וערוך המערכה  
ואיככה אהי עשוק ואיכה  
ואיך אמות ויש עמך ארוכה  
כמר ריחה ובדבש היא מסוכה  
עלי מימי תעלת הברכה  
ושכבת טל עלי לחיה כבוכה  
לך שם אהבה אצלי ערוכה  
להשבית ריב ומדינים נסוכה  
ותגבר כארי נפש נמוכה  
וגם תאיר כסהר בחשכה  
ואתה תעשה עתה מלוכה  
[\*והלמהו] כסיסרא בשמיכה  
ונשים את מררתו שפוכה  
אמת לנו להבין במלאכה  
ולתת לו עלי הכל ברכה

ידידי העלה אלי ארוכה  
והביאה צרי גלעד לברכה<sup>61</sup>  
אני נכוה בגחלי הנדודים  
נדוד ארצי ומולדתי ואחי  
וזרה הזמן ארחי<sup>62</sup> ורבעי  
לזכרם נכמרו רחמי ואבכה  
אקוה יום ביום מגיד שלומם  
ונפשי בחרה מות למען  
ידידי צא והלחם בחיל נוד  
עדי מתי ולמה זה ועד אן  
אהי דואג ואת חמדת לבבי  
אשישה מדמי אשכל מלאה  
והבה נרדה גנים ונשב  
ערוגה מרסיס ליל מלאה  
אהבי אתנה לך ואגלה  
והכוס על ימיננו תסובב  
אשר בה ישכחו רישם<sup>63</sup> אמלים  
כשמש בעלותה כן תנוצץ  
ידידי קום צלח ורכב הדרך  
ואם יסור זמן רע במסבה  
ואט נתקע ברכתו יתדות  
ואם פעל אלהים כל למענו  
להודות לו בכל מפעל פעלו

On the other hand we must note the significant absence of one of the chief genres of the Spanish epoch, the love poems. This marks the whole difference of atmosphere between the genuine courtly society of Spain and the Sicilian circle of *dilettanti*. This difference may easily escape attention since it is hidden by the outward merits of language and style, both of which come up to the standard set by the Spaniards.

In this connection it is worth mentioning two poems which represent something like Anatoli's "æsthetic theory"—if this somewhat ambitious description may be allowed—a theory which tallies well with the Spanish notions of correct poetical style. "Choose the expressions of classical language . . . use choice words. Do not be long-winded, out of eighty words choose eight. Know that a poem without parables and 'conceits' is like a dead thing that has no form."

61 Read לנדפה ?

62 MS.: אחרי,

63 MS.: השם,

וכתב ר' אנטולי ז"ל אלי שכץ כאטבה בשער פאתר<sup>64</sup>

יצרפהו במצרף התכונה  
לך משל במחשבה נכונה  
ושקלנה במשקלת אמונה  
ואל תפנה לך אנה ואנה  
ושית אמרת שפתיך בחונה  
בחר מהשמונים [השמונה]  
כגולם נכדה מנו תמונה  
ולא מצא בעין משכיל חנינה  
והם חטים ולא צמחו עדנה  
אבל היום פסלתו מדינה  
ובו כסף אבל צורה ישנה  
ואל תלן עלי נפשי תלנה  
ואהבתך במחבואיו טמונה  
וממטמון תחפש התכונה

בחן שירה במבחן התכונה  
חקור המאמר היטב וברר  
דלה מלבך עצה עמקה  
ומבינתך באר מליצות  
הגות צחות בחר ולשון ערמים  
ואל תיגע להרבות רוב דברים  
ודע כי שיר בלא משל וענין<sup>65</sup>  
הריצות לידי שיר מאד דל  
וזרועיו מצאתימו צמאים  
והיה טבעך אתמול מטהר  
וסיגים בו במטבע מחודש  
אני אוכיחך בדבר שפתי  
למען כי אהבתיך בכל לב  
קנה חכמה ומוסר מכספים

Of the second poem the beginning is, unfortunately, missing ; judging from the extant lines, a friend of the poet<sup>66</sup> upbraided him for using some non-classical expressions in a verse of his ; the poet admits the reproof as justified and tenders his apology. " Verily, the Holy Language imposes limits and it is circumscribed by a compass—nobody may add or take away or invent."

[ותלין] באמת אתי משוגה  
לאחור היתה נפשי נסוגה  
ובנינה מתואר במחוגה  
וכל בודא דברו לו לתוגה  
אשר תעה וריק ענה והגה  
ועמד לו לאם דרך שגגה  
כלביא על מתי מדע שאגה

ועת אמרי אמרותי ראויות  
אמת ישאל שפת קדש גבולות  
ואין מוסיף וגורע ובודא  
תלנתי עלי לבי אהובי  
ומדרך אמת נטה ושטה  
היתפאר זאב לפני ארי לו

This correctness of style does not, however, very much enhance the value of the work of Anatoli and his friends, which is, after all, mere craftsmanship—rather good craftsmanship, but without any originality. The Sicilian circle resembles, in a curious way, those other, somewhat later, poets of the East who also were to follow slavishly the steps of the Spaniards (like Yosef b. Tanhum Yerushalmi, for example). They have nothing new to say ; they are all simple imitators of the great Spanish pathfinders. It is different with the various Hebrew poetical schools of the European countries. Ever

<sup>64</sup> " R. Anatoli wrote to a person who had addressed to him some bad verses."

<sup>65</sup> ענינים (corresponding to Arabic *ma'ani*) are the *conceiti*, the basis of Spanish poetical style. (I shall give an analysis of the conceit on another occasion.)

<sup>66</sup> The poem may have been written by a friend answering a criticism by Anatoli ; or the poem to which exception has been taken may have been written by Anatoli ; in this case it is he who speaks here.



if we leave aside Italy, where, in spite of the great influence of the Spaniards, there developed something quite original, we cannot regard even the lesser poets of Provence, or the later poets of Spain, as simple imitators of the old *clichés*; they all have in them, to a greater or lesser degree, something that is of a new kind—sometimes in spirit, sometimes in style, sometimes in both. As to the Sicilian circle, and almost all the poets of the East, their poetry follows the old formulas.

\* \* \*

It was perhaps in Messina that Anatoli embarked for Egypt. It seems that immediately on his arrival in Alexandria he was appointed judge of the Jewish community there. We have in a fragment of the Diwan the opening sentences of an epistle he sent from Alexandria to his great contemporary, Moses b. Maymun,<sup>67</sup> who had now become his neighbour. Another letter, addressed to a certain Sabbatai, of the Egyptian town of Sunbat,<sup>68</sup> also probably belongs to this epoch. On the other hand, there is no single poem in the Diwan which should be attributed to the Egyptian epoch of Anatoli's life. We may assume that he found in Alexandria no congenial company for poetical exercises. As a matter of fact, Hebrew poetry had not yet found cultivators in Egypt—if we except the quite insignificant laudatory poems addressed by various poetasters to different Jewish notables of the country.

S. M. STERN

Oxford

# CORRECTIONS TO PART I (J.J.S. V, No. 2)

P. 68: the first five lines in the left-hand column ought to read in the inverted order (lines 5, 4, 3, 2, 1).

P. 66, l. 27: [י] שרד	P. 70, l. 27: (ה) מנדיר
l. 36: (ה) ברושים	l. 31: (י) על
P. 67, l. 3: (נ) שבעו	P. 71, l. 41: דעוה ?
l. 24: (, , ,	P. 72, l. 13: נמא סה
P. 68, l. 23: פלא (ו)	P. 73, l. 23: ו להגות
P. 70, l. 21: (ואחלמה)	P. 76, l. 8: פ[א] געה
P. 66, l. 43: for יפי	read — יפי
P. 74, l. 16: „ Calobria	„ Calabria
P. 75, n. 50: „ שמיחה	„ שמחה
P. 78, n. 57: „ notable	„ notable
n. 57: „ al-Rabib, MS.	„ al-Rabib (MS.

<sup>67</sup> See above, first instalment, page 62, note 10.

<sup>68</sup> The letter to Sabbatai is from Anatoli, *paces*. ASAF (*Tarbiz*, III, 346).

## THE DEEDS OF MANUMISSION OF ELEPHANTINE

The new papyri from Elephantine, edited by Kraeling,<sup>1</sup> are of special interest to the legal as well as to the social history of the Jews. Almost all of them are legal documents furnishing useful information about the laws in force among post-exilic Jewry. As has already been shown by the learned editor, the Jewish legal practice was influenced to a considerable extent by neo-Babylonian law dominant at that time in the whole East. No thorough comparison has, however, as yet been made between these papyri and Jewish law. Looking for traces of native Jewish tradition among those contemporaries of Nehemia we might find out something about the missing links connecting biblical with talmudical jurisprudence. Such findings might explain the origin of certain institutions known hitherto only from later sources and thus enrich our understanding of Jewish legal history.

At the beginning of this century, when the first papyri from Elephantine were published, it was pointed out by Blau and Epstein that those documents were closely related to certain talmudical traditions. Especially the so-called "Papyrus G" was found to be nothing else but a Jewish contract of marriage (*Ketuba*) which included all the necessary elements of the later forms.<sup>2</sup>

The new collection of the Brooklyn Museum again calls for comparison with talmudical law.<sup>3</sup> Deed No. 2 is a contract between the owner of a female slave, Tamut, and another person who takes her as his wife. The rights of both spouses are fixed in the same way as in "Papyrus G" and the *Ketuba*; it is interesting to note that the rights of the former slave-girl are in no way smaller than those of a free woman.<sup>4</sup> The contract then follows exactly the line of the usual deed of marriage. If we consider this document alone we might come to the conclusion that the girl was entirely freed by giving her into marriage to a free person. It would seem as if the act of marriage was another way of liberation similar to manumission by way of giving away for adoption by the new owner. Another conclusion must be reached, however, by comparing our document with Papyrus No. 5.

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<sup>1</sup> E. G. KRAELING, *The Brooklyn Museum Aramaic Papyri*, New Haven, 1953.

<sup>2</sup> L. BLAU, in *Magyar Zsidó Szemle*, 1908, J. N. EPSTEIN, in *Jahrbuch d. jüd. lit. Ges.*, Frankf.M., 1908, cf. L. FISCHER, *ibid.*, 1910 sq.

<sup>3</sup> Another analogy is pointed out by J. J. RABINOWITZ in *Assaf-Anniversary Volume*, Jerusalem, 1953, p. 433 (Hebrew).

<sup>4</sup> The position of the woman in our papyrus is even better than in Papyrus G. There she gets only a life estate in case her husband dies without issue, whereas the former slave in Papyrus 2 is to have equal rights of succession like the husband in the other case.



Here we have again a deed of liberation made by the same owner in respect of the same slave,<sup>1</sup> but twenty-two years later. The most reasonable explanation for the existence of this second deed seems to be that the woman had meanwhile returned to her former owner, perhaps after having been divorced by her husband. This second document is a real deed of manumission employing different forms and phrases. Let us now compare both of them with the Jewish tradition.

Marriages between a free man and a slave girl were recognised by the law of Leviticus xix, 20: "And whosoever lieth carnally with a woman that is a bondmaid, betrothed to an husband and not at all redeemed, nor freedom given her; she shall be scourged; they shall not be put to death because she was not free." This is a case where the betrothal was violated by the unlawful intercourse of the slave with a stranger and this violation is to be punished, though not with death. It is, thus, implied that the marital relation between a free person and a slave was not utterly null and void but to some extent recognised by the law.

No definition of the woman's status is given in the Leviticus text, but the rabbis tried to give further particulars. The words "she was not at all redeemed" were held to mean that the woman had beforehand been partly redeemed, and therefore the act of betrothal could take place. The traditional view was that the master had been paid part of her purchase price by the bridegroom or by other people, and thereupon he agreed to the betrothal. Only on the grounds of such a partial liberation, the rabbis maintained, a marriage between a free person and a slave was possible; otherwise it would be null.<sup>2</sup>

Taking, however, into account only the literal meaning of the biblical text it seems that there could be marital relations between a free man and a bondwoman even if she had not been redeemed at all. The act of betrothal together with the consent of the owner implied, perhaps, a certain degree of freedom as a necessary prerequisite for the validity of the relation. R. Meir, one of the sages of the second century C.E., indeed, taught: "If a man writes a deed of betrothal for his female slave she becomes legally betrothed," i.e., she becomes a free bride and wife.<sup>3</sup>

We are now in a position to understand the background of Papyrus 2 as compared with the biblical tradition. According to Leviticus there may be legal marital relations between a slave-girl and a free man; this seemed to be also the practice at Elephantine.

<sup>1</sup> There is a slight variance in the name but there seems to be no question as to the identity of the woman.

<sup>2</sup> See *Sifra* ad Lev. xix, 20, and parallels. Another reading: *Kerithoth* 11a. See also D. HOFFMANN, *Das Buch Leviticus uebersetzt u. erklart*, Berlin, 1906; ii, p. 48.

<sup>3</sup> *Bab. Gittin* 40a; *Pal. Gittin* 4, 4 (45d).

Moreover, the resulting status of the woman according to the document is similar to the biblical law, since in both cases she was no more a slave but not yet wholly freed. The consequence of the law in Leviticus was to remit the penalty of death in case of adultery, whereas our papyri show her returning to slavery in a certain case.

This is the reason that the owner of the slave had undertaken from the beginning towards the husband: "And I Meshullam, tomorrow or another day, will not be able to take away Palti [*i.e.*, a son of her's born before the marriage] from under thy heart except if thou dost drive out his mother Tamut." Both mother and son were freed by reason of her marriage to the free man but in case of divorce both of them were to return to slavery.

Turning to Papyrus 5 a further similarity to the later Jewish tradition may be noted. Among the different formulæ of liberation used by the scribe it is also said: **ואנתי שביקה מן טלא לסמשא ויהישמע** **ברתכי ונבר אהרן לא שליט עליכי ועל יהישמע ברתכי ואנתי שביקה לאלהא** (and thou art freed from shadow to sun, as well as Yehoyishma thy daughter, and another man shall not have power over thee and over Yehoyishma thy daughter, but thou art freed to the god.) The above translation is Kraeling's except for the words "from shadow to sun" which are proposed here instead of "before the sun." The editor sees in it a reference to the worship of the sun god, Shamash, mentioned also in some Babylonian deeds of liberation. It seems, however, that the phrase was a usual metaphor denoting the transition from slavery to freedom.<sup>1</sup> Anyhow, we may infer from the end of the sentence that there existed a certain connection between the god and the act of liberation. On the face of it the source of this peculiar way of liberation is to be traced in the Greek law of manumission where a fictitious sale to the gods did, in fact, take place.

This way of liberation is interesting because it reappears in later Jewish documents. A well-known inscription dated 81 B.C., discovered at Panticapaion on the Crimea peninsula, mentions similar rites. This is a Greek document wherein a Jewess declares her slave to be free in fulfilment of her previous vow. The act took place in the synagogue and permission was given by the local Jewish community. The slave, moreover, gained his freedom only on condition that he would regularly attend the services. The manumission is thus effected by dedication to the synagogue and is, again, to be explained by Greek influence.<sup>2</sup> Later on the same practice was recognised by the Babylonian Abba Ariha, who decided: "If a man sanctifies his slave, he becomes a free man. What is the reason? Because he does not sanctify his body, nor does he say

<sup>1</sup> Cf. *Mishna Pesahim* 10, 5. The original meaning is preserved in *Bab. Ketuboth* 112b.

<sup>2</sup> J. B. FREY, *Corpus Inscriptionum Iudaicarum* i, Roma, 1936, pp. 495-497.

that he is sanctified in respect of his money value. What he must mean, therefore, is that he is to become a member of the 'holy people.'"<sup>1</sup>

The new papyri thus represent some early provisions of Jewish law: Manumission could be effected by a marriage contracted between the owner of a slave girl and a free man, or by a fictitious dedication to God or His Temple. Whereas the former way was merely partially effective, *i.e.*, the woman returned to serfdom after divorce, the latter rite seemed to effect complete liberation. Both forms are somehow referred to in the later talmudical tradition, but are not generally accepted. The former may, however, be based on a biblical practice; whereas the latter form seems to be due to foreign influence.

Jerusalem.

ZEEW W. FALK.

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<sup>1</sup> *Bab. Gittin* 38b.



# A CALIPH'S DECREE IN FAVOUR OF THE RABBINITE JEWS OF PALESTINE

(FROM THE GENIZA COLLECTION IN THE  
UNIVERSITY LIBRARY, CAMBRIDGE)

The strife between the main body of the Jewish people, the so-called Rabbinites, who adhered to the "Oral Law," and the Karaites, who professed to rely on the Bible and on Reason alone, was one of the most prominent features of Jewish life in the countries of Islam during the Middle Ages. The clash was a violent one because both sides were able to adduce very good reasons for their respective positions and because their differences cut deeply into everyday life.

The Rabbinites had a calendar based on scientific calculations, the same that is in use today, while the Karaites, as in the days of old—and like their Muslim contemporaries—fixed their festivals according to the actual observation of natural phenomena; a leap year would be proclaimed only if the state of the crops in Palestine necessitated it.<sup>1</sup> Imagine a Karaite grocer keeping his shop open on a day which was celebrated by his Rabbinite neighbour as, say, Passover or the Day of Atonement! It is difficult to see how bitter contests could be avoided.

In addition, there were many differences of opinion and practice with regard to the dietary laws. For example, the distinction between milk and meat dishes, which is so conspicuous in the Orthodox Jewish kitchen up to the present day, was not applied at all by the Karaites to poultry—with the result that no observing Rabbinite could accept an invitation to dine with a Karaite. In actual life, of course, things were somewhat different. In a very instructive, but unfortunately incomplete, letter preserved in the British Museum<sup>2</sup> the writer, obviously a prominent merchant from Egypt or North Africa, who was staying in Aden on his way back from India, complained that, at the time when he was writing, there came to

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<sup>1</sup> An interesting Karaite document about the observation of the growth of the barley in the Palestinian localities of Dārom, Rafiah, and Zughar (at the southern end of the Dead Sea) is preserved in Ms. heb. b. 11, fol. 10, of the Bodleian Library, Oxford. The printed Catalogue, No. 2874, does not refer to these details.

<sup>2</sup> British Museum Ms. Or 5566 D, fol. 24. The letter must date from about the year 1134, as it is connected with the great communal strife among the Jews of Aden described in the present writer's article, *The Yemenite Jewry between the Gaons of Egypt and the Exilarchs of Baghdad*, in *Sinai*, Jerusalem, 1953, pp. 225-237 (based on the Mss. T-S. 20.37 and T-S. Arabic 48.270 of the University Library, Cambridge).

The controversy about the distinction between milk and meat dishes was particularly bitter in Palestine, cf. J. MANN, *Jews in Egypt and in Palestine under the Fatimids*, Vol. I, 156; II, 9-13.

the Arabian port business men of low rank, "dogs and dyers, people of no consequence in Egypt, their native land, . . . men who do not visit the houses of the local Jews or attend the synagogue, and who, while in Egypt, used to eat in the houses of the . . . Karaites." This letter shows, together with many other sources, that a considerable section of the Rabbinite populace disregarded the barriers erected between the two main Jewish communities by their learned leaders.

The factor which contributed most to the final separation of the Karaite dissension from the main body of Judaism was the different views of the doctors of religious law on family life. To take just one example, a delicate question of great practical importance: while Jewish custom—and it is almost a prescription—set aside Friday night for the fulfilment of the matrimonial duties, the Karaites regarded carnal love as a desecration of the holy Sabbath. What would happen when a Rabbinite boy fell in love with a Karaite girl? That such a thing actually happened not infrequently is known from documents preserved in the Geniza of the synagogue of Old Cairo<sup>1</sup>; not only actual marriage contracts between Rabbinites and Karaites, but, even more significantly, formularies in which the Rabbinite bridegroom undertakes to respect the sectarian susceptibilities of his future wife and vice versa.<sup>2</sup> Such formularies, of course, were fixed by learned religious authorities. This fact, as well as the conciliatory attitude of leading Rabbinites such as, in the eleventh century, the Palestinian Gaon, Solomon ben Yehuda, to whom we will have to make reference presently, or Maimonides in the twelfth century, shows that during the really creative period of mediæval Judaism the rift between the two communities was not yet as complete as in later, epigonic, times.<sup>3</sup>

In Palestine, however, the clash between the two sects was particularly acrimonious, even at that early period. For the Karaites were the "Zionists" among the Jews, that is, those who advocated and tried to fulfil more emphatically than the rest of the Jewish people the religious duty of living in the Holy Land. This might have been due to historical reasons, for the Karaite sect seems to have sprung in part from the ancient "mourners for Zion," of whom unfortunately we still know very little. It might have had

<sup>1</sup> J. MANN, *Jews in Egypt*, etc., Vol. I, p. 125 (refers to the text published Vol. II, p. 143, first line), pp. 138, 177. *Jewish Quarterly Review*, XIII, 220-221 (Marriage of a Rabbinite Nasi and Head of an Academy to a Karaite Lady).

<sup>2</sup> J. MANN, *Texts and Studies*, Vol. II, 159-160.

<sup>3</sup> The Karaites even attended the synagogues of the Rabbinites on special occasions; cf. the text published in MANN, *Jews*, II, 172, lines 16-17. In a deed of betrothal preserved in Ms. Taylor-Schechter, 13 J 6, fol. 37, of the University Library, Cambridge, the bridegroom agrees to pay hundred dinars to the poor of the Rabbinites and Karaites, in case he takes a second wife or a slave girl. Naturally, documents also exist in which the stipulated fine is to be paid to the poor of the Rabbinite community alone, e.g., T-S. 8 J 4, fol. 31 (Cambridge).

its source also in the Karaite's basic attitude of following as far as possible the literal meaning of the Biblical precepts and these, of course, refer for the most part to conditions prevailing in Palestine. The texts brought together in the second volume of the "Sefer Ha-Yishubh," published by S. Asaf and L. A. Mayer, clearly show the great importance of the Karaite settlement in Jerusalem and other towns of Palestine before the advent of the Crusaders (many of these texts came from the Geniza of a Rabbinite synagogue).

The Karaite activities in Palestine reached their climax in the earlier part of the Fatimid Caliphate of Egypt, when they were backed by very wealthy and influential coreligionists in Cairo, some of whom even attained high positions in the Fatimid administration, and occupied posts which were generally not sought after by business men, either Jewish or Muslim. This chapter of Jewish history has been copiously described in the first volume of Jacob Mann's "The Jews in Egypt and Palestine under the Fatimid Caliphs" and forms indeed one of the main parts of that book. There is, therefore, no need to elaborate on it here. Mann has also published considerable additional material on this subject in his later book, "Texts and Studies in Jewish History and Literature," but—I may add—even so, the material is still far from being exhausted. I have noted quite a number of private and even official letters concerned with, or referring to, the conflict between Rabbinites and Karaites in Palestine, which have not yet been printed. References to this long-standing struggle are found also in some of the hundreds of business letters concerned with the trade between Palestine and Syria on the one hand, and Egypt, Sicily, Spain, and North Africa on the other. Only after these letters are deciphered and properly translated will it be possible to know more fully the economic and social position of Palestine Jewry in the eleventh century, as well as the full meaning of this contest between Rabbinites and Karaites, which may or may not have had other than religious motifs.<sup>1</sup>

I believe therefore that the time has not yet come for a reappraisal of Mann's account. For reasons which will be explained presently, I intend to publish here a new document relating to the struggle between Karaites and Rabbinites in Palestine during the eleventh century, which is of particular interest. This is a copy or a résumé of a decree issued by the Fatimid Caliph of Cairo in favour of the Rabbinites of Palestine, preserved in Ms. T-S. 13, J, 7, fol. 29 of the Taylor Schechter Collection in the University Library, Cambridge. This decree must be read in conjunction with

<sup>1</sup> RAPHAEL MAHLER, *Karaites* (in Yiddish), New York, 1947, emphasises the rôle of the Karaites as revolutionaries in the field of social and economic relations, especially on pp. 276ff. and 323ff. The question will have to be re-examined, after all the relevant Geniza material is made available.



another decree, issued in the year 415 of the Hegira (1024) in favour of the Karaites, which was published by R. Gottheil in the A. Harkavy Jubilee Volume (St. Petersburg, 1908), pp. 121-125. Gottheil used for his publication the copy, written in Arabic characters and preserved in the "chancellerie" of the Karaite community in Cairo, which was put at his disposal in the winter of 1904 by the Karaite Chief Hakham (Rabbi), Shabbatai D. Mangoubi.<sup>1</sup> I am publishing here the copy of the Caliph's decree in favour of the Rabbinites in the hope that the original may perhaps be found in the important collection of documents belonging to the Rabbinite community of Cairo.<sup>2</sup>

The historical situation which resulted in the issue of the decree under discussion is perfectly clear. In 1024 the Fatimid Caliph az-Zahir had promulgated a deed of protection for the Karaites which, however, was not heeded by the Rabbinite chiefs who were in control of the markets in the main towns of Palestine, in particular Ramleh and Jerusalem. Naturally, the Rabbis insisted that the holidays should be observed on the dates fixed by their long-established calendar and that only meat regarded by them as permissible to be eaten should be sold in the markets. The Fatimid general who had been commissioned by the Caliph with the execution of his order of protection for the Karaites was engaged in those years in a protracted war against various insurgents in Palestine and Syria. Under these circumstances, it is understandable that he had little patience with the obstinate Rabbis; he put them in chains and imprisoned them in Damascus.

It would be erroneous to believe that the two sides were composed solely of fanatics. The head of the Rabbinite community, the Gaon Solomon ben Yehuda, was a lenient man and tried hard, although in vain, to smooth things out. "Those who seek strife," he writes sarcastically, "believe that, by excommunicating people for eating meat and milk dishes together, they save the Torah. Would it not be better to be mindful of our own bad deeds, our great guilt, and all the abominations that are found among us?"<sup>3</sup> But he quite naturally tried to obtain the release of his imprisoned colleagues. It was, however, a long-drawn affair. Finally, they

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<sup>1</sup> J. MANN, *Jews in Egypt*, Vol. I, p. 134, speaks erroneously of "a highly interesting Geniza Fragment." The document is preserved in the archives of the Karaite community of Cairo, which is still fully alive. Its "Youth Committee" is publishing a periodical called *Al-Kalim* ("The Speaker"—one of the honorific titles of Moses, who talked to God), which deals mainly with local Karaite affairs, but displays also an interest in Karaites all over the world.

<sup>2</sup> Our document does not bear a date. However, the original, if found, will certainly be dated—just as the document in favour of the Karaites, just mentioned. A reference to the archives of the Cairo Community is made in an ancient Arabic manuscript dealing with the destruction of the Jerusalem synagogue in 1474, where it is stated that the deed of purchase of the building of the synagogue was kept in those archives. Cf. *Zion*, Jerusalem, Vol. 13-14 (1949), pp. 18-32.

<sup>3</sup> See the text published by MANN, *Jews in Egypt*, Vol. II, p. 156, line 10.

were set free, but were not allowed to go back to the scenes of their activities in Palestine.<sup>1</sup>

This is the point at which the document that is published here comes in. It opens with a preamble (lines 1-13) referring to a letter issued by the Caliph in favour of those Rabbis, allowing them to return to Jerusalem, Ramleh, and the other places from which they hailed, in order to take up their duties among their congregations. This letter obviously had not been acted upon by the local official, who possibly did not want to be troubled again, or who had been bribed by the other side. Hence the Rabbinite community petitioned that the Caliph's letter should be put into effect.

Responding to this petition, the Caliph published an edict (line 14) emphasising that neither of the two denominations should interfere with the affairs of the other (lines 14-21); that everybody should keep his holidays according to his own calendar (23-27); and in particular that the Karaites should not demand that the leaders of the Rabbinites be removed permanently from Palestine (21-23). The edict ends with a warning to the members of the two communities concerned (27-31) and another to the official charged with its execution (31-37), obviously the Fatimid governor of Palestine and Syria.

Attention should be given to the difference between *sijill*, "letter," "order" (line 3), and *sijill manshūr*, a "public letter," "edict." The Karaites had obtained such a *sijill manshūr* (see R. Gottheil, Harkavy Jubilee Volume, p. 123, line 41); the Rabbinites had formerly succeeded only in having an order in their favour sent to an official; now they succeeded in getting an edict published (line 14). The new edict is largely formulated with reference to the old one of 1024 (cf. line 24 here and Gottheil, line 8; here line 30 and Gottheil, p. 122, line 25). Our document is a transcript, or probably only a résumé, sent out in many copies in order to secure the execution of the edict. As a scribal error (74 for 78) in line 26 shows, it was itself copied from a writing in Hebrew characters.

One may ask why the Caliph was continuously troubled with such a local affair. The answer is that Jews and Christians were regarded as the personal protégés of the Muslim prophet and of the Caliphs, who considered themselves to be his descendants, or at least his substitutes. Therefore, affairs concerning Jews and Christians often were dealt with by the Caliphs in person. The grant paid by the Fatimid Caliph to the Head of the Jewish Academy of Jerusalem was regarded as his personal gift,<sup>2</sup> and

<sup>1</sup> See MANN, *ib.*, Vol. I, p. 137.

<sup>2</sup> The text published by the present writer in his article, *Congregation versus Community, an Unknown Chapter in the Communal History of Jewish Palestine in Jewish Quarterly Review*, Vol. 44 (April, 1954), is a personal letter of the Head of the Jewish Academy of Jerusalem to the Fatimid Caliph; see

when a Karaite artisan who did not feel happy among his Rabbinite colleagues in an imperial workshop in Damascus wanted to leave his place, the personal intervention of the Caliph was necessary to bring this about.<sup>1</sup> One may, of course, ask another question: why did Karaites and Rabbinites apply to the Caliph for the settlement of their claims, while both denominations insisted in principle on referring all disputes exclusively to Jewish religious courts?<sup>2</sup> Unfortunately, there exists only one answer to this question: the impulses of human pugnacity seem to be stronger than all considerations of reason, decency, or religion.

## APPENDIX

Text of the Ms. T-S. 13, J, 7, fol. 29 (University Library, Cambridge)\*

## על שמך

1 ערצת בחצרת אמיר אלמומנין רקעה מתרגמה 2 בגמאעת אליהוד אלרבאנין  
יסאלון פיהא 3 חמלהם עלי מקתצא אלסגל אלמכרם 4 אלמכתתב להם באן  
ימכן אחבארהם 5 מן אקאמה פרוץ דיאנתהם וסאלף סננהם 6 פי מגאמע צלותהם  
ואלתצרף פי כדם 7 גמאעתהם באלקדם ואלרמלה וגיר דלך 8 מן אלבלאד ואן  
יקף ענהם איד (!) מן תערץ 9 עליהם מא לא יסוגה איאה עדל אלדולה 10  
ויסומהם מא לם תגרי אלעאדה במתלה 11 ותרך מעארצתהם פי אעיאדהם  
12 ואקאמה רסומהם פיהא וקצר מן יחול 13 האדה אלחאל מן כצומהם פאמר  
אמיר 14 אלמומנין בכתב מנשורא תצמן קצר 15 אידי כל טאיפה מן אלטאיפתין  
מן אל 16 רבאנין ואלקראיין (!) מן אליהוד ען אל 17 אכרי ואן ימכן כל מן  
יתמדהב האדין 18 אלמדהבין מן אלגרי עלי סננהם אל 19 מאלופה פי דיאנאתהם  
מן גיר אעתראץ 20 אן יקע מן אחד אלטאיפתין עלי אלאכרי 21 פי דאלך ולא  
ימכן אלקראיין מן אעתראץ 22 מקדמי אלרבאנין באלאבעאד מן אעמאל 23  
אלקדם ופלסטין ואן יגרי אצחאב אל 24 מהן מן אלטאיפתין עלי מא גרי בה  
25 עאדתהם מן מלאזמה אלביע ואלשרי 26 אן<sup>3</sup> אלקעוד ענה בחסב אראדתהם  
פי 27 איאם אעיאדהם וליחדר כל מן טאיפתין (!) 28 מן אלתערץ למא יכרג ען  
הדא אלחכם 29 וליעלם אנה אן תעדא או תגאזו אוקע ביה (!) 30 מן גליד  
אלתאדיב מא ידרעה וישעף ביה (!) 31 גירה ומכאתבתך יקתצי. . מא נצר ואן  
32 תחצר גאית (!) אלהר מן מראקבה תקע 33 מנך או מחאבה תקע מנך ואן  
תעתק למן 34 יכאלף הדא אלמאמור ותנהי חאלה 35 פאעלם מא אעלמך בה  
אמיר אלמומנין 36 ואנתהי אלי מא אמרך ביה (!) פי מענאה 37 ואעמל במוגבה  
ומקתצאה אן שא אללה 38 תע' ושלום

*ib.*, p. 304. To be sure, any subject of the Muslim Empire could address a complaint directly to the Caliph. See, for example, A. GROHMANN, *Arabic Papyri in the Egyptian Library*, Vol. III, p. 111/2, No. 172.

<sup>1</sup> Ms. T-S. 8, 106, in University Library, Cambridge. This, as well as the other documents quoted here will be printed in a separate publication.

<sup>2</sup> Many documents insisting on this principle—or complaining about its transgression—are found in the Geniza.

<sup>3</sup> Read: וא

\* I should like to thank here the Librarian for his kind permission to publish this document.



## TRANSLATION

## ON YOUR NAME (WE RELY)

[1] To his Majesty, the Commander of the Faithful, a petition was submitted in the name [2] of the Community of the Rabbinite Jews, in which they requested [3] that they should be treated according to the most high order [4] which had been issued on their behalf, namely, that their rabbis should be enabled [5] to fulfil the commandments of their religion and their old customs [6] in their synagogues and to serve [7] their communities in Jerusalem, Ramleh, and other [8] places; and that those who interfered with them [9] should be stopped, as this was not compatible with the justice of the Government; [10] and that they should not be given free hand to do what was not in accordance with established usage; [11] and that they should not be disturbed on their holidays [12] and in particular while they held their services on them; and that those of their adversaries [13] who did such things should be checked.

Therefore, the Commander [14] of the Faithful ordered that open letters should be issued to the effect [15] that each of the Jewish communities, the Rabbinites and the Karaites, [16] should not interfere with one [17] another; and that everyone who belonged to one of the two denominations [18] should be enabled to live according to the [19] customary traditions of his religion, without the [20] interference by one community in the affairs of [21] the other. In particular, the Karaites should not obstruct [22] the leaders of the Rabbinites by keeping them away from the districts [23] of Jerusalem and Ramleh; and the business men [24] of the two communities should act according to [25] their habits with regard to transactions of buying and selling, [26] and abstaining from them, as they wish, [27] on the days of their feasts. Each of the communities shall beware [28] to act against the provisions of this Order. [29] Let everybody know that he who disobeys and trespasses [30] will receive heavy punishment, which will check him and deter [31] others.

It was deemed necessary to address you [32] that you should exercise the utmost care not to show any preference [33] or partiality, and that you should not set free anyone [34] who acted against this Order, and that you should inform me about him [35]. Take notice of what the Commander of the Faithful has communicated to you [36] and pay attention to what he has commanded you, [37] and act in accordance with, and on the basis of, this edict, if [38] God wills.—Peace.

## NOTES ON THE TEXT

The copy was obviously made from a carefully written manuscript, as may be concluded from the fact that far more letters are

provided with diacritical points than is usual in other documents. However, the copy itself was written rather carelessly with the result that there is little consistency in placing of points over the letters or in other matters. Thus the feminine ending in *status constructus* is expressed sometimes by *tau* (line 2), sometimes by *he* with two dots (line 5), and again simply by *he* (line 12). Points are put profusely, but irregularly, e.g., a point about a *gimel* may denote either a *j* (line 28) or a *gh* (lines 19 and 31), while the absence of a dot may also indicate either of the two sounds (*j* and *gh* in the same line, as, for example, line 7). The style is clumsy, as may be expected in an official document. Owing to the abridgement, the text is sometimes incoherent.

Line 1. *mutarjama*: *tarjama* are "the first lines of a letter which contain also the name of the sender," cf. Dozy, *Supplement aux Dictionnaires Arabes*, s.v.

Line 6. The last word in this line is obviously to be read *khidam*, pl. of *khidma*. The little stroke above *daleth* may denote a *fatha*.

Line 8. The reading of the last word is uncertain.

Line 10. *wayusawwimuhum*: The negative meaning of the sentence is indicated by the two preceding lines.

Line 12. קצר : Supplement אידי ; cf. line 15.

Line 14. מנשורא : One expects מנשורה.

Line 20. אן : About this use of 'an in the Geniza documents see the special study by D. H. Baneth in the *Bulletin of the Jewish Palestine Exploration Society, Jerusalem*, vol. 12 (1946).

Line 23. Filastin ("Palestina") is a common designation for Ramleh, the administrative capital of the province bearing the same name.

Line 30. ירדעה. Certainly ירדעה is intended.

Line 31. יקתצניהא is probably intended, although the traces of the letters (or letter) effaced do not look like הא.

Line 33. מחאבאה stands for מחאבה

S. D. GOITEIN.

Jerusalem.

## THE MEANING OF THE ROOT קנה

It is unusual for a Greek student to venture upon a contribution to Hebrew lexicography. Very often, however, difficulties of the Greek O.T. cannot be settled without considering the Hebrew original. One of the more frequent confusions of Greek words in the Septuagint (LXX) is that of *ktāsthai*, to acquire and *ktizein*, to create (originally *people, found*). The confusion of the nouns, *ktēsis*, acquisition, possession (the latter with the meaning of the perfect *kektēmai*, to have acquired, possess), with *ktisis*, creation, is easier than that of the verbs which present differences of formation, the one being a deponent, the other an active. Investigation makes it clear (a) that, although *ē* gradually assumed the pronunciation *ī*, the confusion is not due to this similarity of sounds; (b) that it takes place only in one direction, *ktis*- ousting *ktēs*-; and (c) that it is due to a change of interpretation. More especially, *ktizein* and *ktisis* as translations of קנה and its derivations are rare and demonstrably secondary in the LXX where *ktāsthai* and *ktēsis* were used by the original translators.<sup>1</sup> If thus the LXX seems to interpret קנה as *to acquire* throughout, without admitting the connotation of *creation*, it becomes imperative to inquire to what extent the translators were right.

*To acquire* and *to create* are two connotations of the root קנה that are not easily reconciled. Moreover, the second connotation is confined to late passages of the O.T. The grouping (1) *to found, create*; (2) *to acquire (by purchase)* as found in Gesenius-Buhl 166 is therefore unsatisfactory; and this the more so since no attempt is made to indicate a connection or development between (1) and (2). No wonder that in our days a more drastic cure has been attempted. Thus Humbert<sup>2</sup> allotted the two connotations to homonymous roots and Koehler in his *Lexicon* has accepted his solution. Humbert is fully aware of the towering difficulties of his task and attacks them ingenuously. Different from קנה (i), *to acquire*, his קנה (ii), *to create*, is almost entirely without parallels in other Semitic languages, and in Hebrew itself it is both late and rare.

Without quoting earlier literature,<sup>3</sup> Humbert starts by taking exception to Koehler's earlier view according to which all the

<sup>1</sup> The facts as presented by the LXX are dealt with in the writer's *The Text of the Septuagint*, which is under preparation. The only passages in which RAHLFS' edition has *ektisen* are Prov. viii, 22 and Gen. xiv, 19-22. In the former Philo has *ektesato*, of which *ektisen* of our LXX MSS. is a correction, and in Gen. xiv, the only remaining instances of an uncontested *ektisen*, we have the result of a corrector's complete success.

<sup>2</sup> *Qānā en Hébreu Biblique*, in *Festschrift für A. Bertholet*, Tübingen, 1950, pp. 259-66.

<sup>3</sup> C. F. BURNEY, *Christ as the Arche of Creation* (JTS 27, 1925/6, pp. 160-77) (the first and by far the most considered and interesting of the contributions



connotations of קנה derive from the basic meaning *acquire by hard effort*. Humbert then carefully considers nine examples of a possible קנה (ii), *to create*, which he soon reduces to six: Gen. xiv, 19, 22; Deut. xxxii, 6; Ps. lxxviii, 54 ? cxxxix, 13; Prov. viii, 22. Koehler who has the relevant passages both under קנה (i) and (ii) makes some slight addition: he includes Exod. xv, 16 and Gen. iv, 1 ? and lists Ps. lviii, 54, without the question mark. Prov. viii, 22 and Ps. lxxiv, 2 which he himself had mentioned earlier, in his *Theologie des Alten Testaments* (first edition, p. 68; third edition, p. 69), are omitted.

Humbert realises that Exod. xv, 16, 'am-zu qanitha, is identical in meaning with 'am-zu ga'alta in xv, 13 and rightly excludes this instance. Much more evidence can, however, be adduced. The whole setting is Deuteronomistic. God's relation to His chosen people is expressed in terms of *acquisition by ransom* and *ownership by inheritance*. In v, 17 we find nahalathekha, as we do in Deut. iv, 20; ix, 26, 29. We may compare God's heleg, *portion* and His hebhel, *lot* in Deut. xxxii, 9. YHWY has *ransomed* Israel who therefore are His nahalah Ps. lxxiv, 2 and His segullah, Exod. xix, 5; Deut. vii, 6; xiv, 2; xxvi, 18. In this context the idea of *creation* is neither required nor even suitable.

Deut. xxxii, 6b (a late passage) offers the closest parallel to Exod. xv, 16f. Here too the object of קנה is 'am; in both passages there is an accumulation of verbs some of which are identical. To Humbert the context in which qanekha in Deut. xxxii, 6 is found between 'abhikha and 'asekha proves that the verb should be translated *created*. In point of fact the verb קנה, being the first of a sequence, exactly as in Ps. cxxxix, 13f.; Prov. viii, 22f., forms the prelude to the following verbs. Taken together with 'abhikha, qanekha stakes the claim of the Father, by mentioning the action on which it is based. In what follows the single aspects of this action are distinguished: He has *made* (=created) and *established* His people. His divine lordship is based on *acquisition through calling into existence*. This use of קנה indicates no emphasis on *creating*. In this context I may quote Montgomery's interpretation of the title qnyt of Ashera (Atirat) in Ugaritic hymns as a synonym of ba'alath, *Lady of the Gods*, not = *creatix*.<sup>1</sup> We might even adduce another Ugaritic parallel, as quoted by Albright,<sup>2</sup> II AB iv: 41ff. (Gordon no. 51) = V AB, E: 38ff.:

The bull, El, his father ('abh),

El, the king who brought him into being (d-yknnh).

mentioned). J. A. MONTGOMERY, in *JAOS* 53, 1933, p. 116, and *Harv. Theol. Review*, 31, 1938, p. 145, n. 5. W. FOERSTER, art. ktizo in *Theol. Wörterbuch z.N.T.* iii, pp. 999-1034. W. A. IRWIN in *Study of the Bible Today and Tomorrow* (ed. H. WILLOUGHBY), Chicago, 1947, p. 262.

<sup>1</sup> *JAOS* 53 (1933), p. 116, and *Harvard Theol. Review* 31 (1938), p. 145, n. 5.

<sup>2</sup> *Festschrift für A. BERTHOLET*, note on p. 5.

This *yknnh* should rather be translated *established*. Though parallel with "father," it has nothing to do with *procreation*, and thus strengthens our interpretation of Deut. xxxii, 6. *Kun* stands in parallelism with 'abh exactly as *qnh* does in the passage of Deut. Elsewhere too *qnh* and *kun* seem to appear in parallelism (Gordon 76, iii, 6f.). All this warns against taking *qnh* in the later and technical meaning *create*. Although *qnh* is never found side by side with *b'l* in accumulations of divine titles in Ugaritic documents, Montgomery's interpretation is attractive. One might cite Is. xxvi, 13, *be'alunu, were our masters* or, as the A.V. puts it, *other Lords besides thee have had dominion over us*. Here the LXX in a mistranslation, entreats God *ktēsai hēmas = be'alenu, become (become) our Lord*.

Ps. lxxiv which has been referred to earlier, though speaking of God's 'edah and not of His 'am (vv. 2 and, implicitly, 18), uses a similar vocabulary: *qanita ga'alta shebhet nahathekha*; here too קנה is best explained as *acquiring, taking possession of, or ransoming*. This parallel has an implication on Deut. xxxii, 6 which should not be forgotten.

In Ps. lxxviii, 54 Mount Zion is mentioned, anachronistically as in Exod. xv, 17 (Justus Olshausen), as one of the first stations of the conquest of Palestine. Here once again *qanethah* means (his right hand) has *acquired (purchased A.V.)*. The objection that Zion always belonged to God since he *created* it is pedantic. It fails to see that the sacred poet identifies God's purpose with the victorious campaign of His chosen people. Similarly, nothing compels us to translate *dyqny s'dm* as "he *created* the abode" (Gordon Aqht 2, 20). The meaning is here as in Ps. lxxii, 2, 18 and lxxviii, 54 *God acquires*, and in so doing both brings into being and makes himself *Master and Lord*.

So far we have found no need for abandoning the interpretation to *acquire* etc. of קנה. Humbert who duly resists the temptation to understand *qinyan* (Ps. civ, 24) as *creature* (Gesenius-Buhl) ought to have taken a similar attitude towards the verb. But there remain two passages which seem to offer real difficulties, Ps. cxxxix, 13f. and Prov. viii, 22f. In both the formation of a child is described by a sequence of verbs of which קנה is the first. Still more: exactly as in Deut. xxxii, 6 there follow other verbs which unmistakably denote *creation* or even *procreation*, 'usseythi, *I was made, formed* and *ruqqamti, I was wrought out*, in Ps. cxxxix, 15; *holalti, I was borne*, in Prov. viii, 24f. (cf. Deut. xxxii, 18). Here also everything becomes straight, as soon as we understand קנה as we did in Deut. xxxii, 6, as the mere prelude to the whole and the comprehensive expression the single aspects of which are subsequently indicated in detail. Without the verbs following nobody would dream of translating קנה by *create*. Finally, in Gen. xiv, 19, 22 קנה stands alone, as it does in Gen. iv, 1, but here too it is best explained

in the same way: the idea of *lordship* by *acquisition* predominates, although its ways and means are only faintly implied, if at all.

Humbert is quite aware of the fact that his supposed קנה (ii), *to create*, stands out in complete isolation, without support from other Semitic languages. There are the Ugaritic instances, but these do not disclose anything beyond the range of meaning which we have observed in the Hebrew. Montgomery (and Levi della Vida who follows him) is right in emphasising that *lordship* (we should rather say *ownership by acquisition*) is the basic meaning; what we may feel about his equation with *ba'al* is another matter. There is, however, an auxiliary factor in Humbert's presentation of the case that played a considerable part in his earlier essay on ברא, *to create*.<sup>1</sup> Neither ברא nor קנה (ii) are found in early Biblical texts. Humbert himself realises that their Biblical evidence is post-exilic, but to him this does not prove the late origin of these verbs. He considers them as taboo words, *arrêta*, of a very long standing, a precious legacy from pre-Israelitic times which "came off the index" at a late date. As he sees it, ברא does not form part of the Israelite cult language, but belongs to a cosmogonic and specifically "Yahvistic" myth of the pre-exilic liturgy of Israel, and קנה (ii) in the O.T. is a relic of the language of myth and cult, Canaanite and pre-Israelite, "very rare and of a mythological flavour."<sup>2</sup>

As far as ברא is concerned Humbert's inferences are not supported by any pre-Biblical evidence. As to קנה the Ugaritic and Phœnician parallels merely confirm our result. As has been stated most clearly by Burney, the idea of *creation*, if implied, is certainly not the basic meaning from which the other developed, namely that of *acquisition by any means*, including *making*.<sup>3</sup> As regards Humbert's method, only the cult-mythological clouds of our days can hide from him the awkwardness of a procedure which interprets non-existence as clandestine underground existence, a strange variety, indeed, of the *e silentio* argument!

With all this, however, full justice is not done to Humbert. He is quite right in his insistence that somehow, especially in a few late passages, the connotation of *creation* is unmistakable. And yet, he proves mistaken in his attempt to locate it. As we have seen, the idea of *creation* is attached to the series of verbs following קנה (in Deut. xxxii, 6, Ps. cxxxix, 13f., and Prov. viii, 22f.) rather than

<sup>1</sup> *Emploi et portée du verbe bârâ (créer) dans l'Ancien Testament*, in TZ 3, 1947, pp. 401-22.

<sup>2</sup> HUMBERT suggests a Phœnician-Canaanite origin for 'Elyon. Confidence in Gen. xiv, however, is shaken after LEVI DELLA VIDA's demonstration that originally *El the Lord of the Earth* and 'Elyon the Lord of Heaven were two distinct deities of the Phœnician Pantheon and, consequently, the biblical *El 'Elyon the Lord of Heaven and Earth* an artificial combination devised to suit both the non-Israelite King of Salem and the Patriarch. See JBL 63, 1944, pp. 1-9. (Phœnician *qn*=*qoneh*.)

<sup>3</sup> P. 162.



to קנה itself, which merely introduces, and preludes to, the other verbs and would be quite colourless but for the reflection cast on it by these verbs. As soon as we realise this every temptation to assume homonymous roots is gone. In fact, they cannot—and therefore must not—be assumed. Everything that is required by these facts can be attained convincingly in a much simpler way.

When interpreting Exod. xv, 16f. we have found *heleq*, *portion*, to be one of a complex of expressions describing the Deuteronomistic conception of the interrelation between God and His people. The verb חלק is found in the same context. קנה too belongs to it. Neither originally meant *create*, yet both developed this connotation in a different way, to a different degree, and at a different time. In the Hebrew there is only one certain textual instance of חלק *create*, Sir. xxxiv, 13. It is corroborated by the fact that our Hebrew MSS of Ben Sira more than once replace חלק by ברא יצר, and that in passages in which we must not translate *create*. For קנה our scrutiny has shown that there is no reliable instance of the meaning *create* in Hebrew or in Ugaritic or Phoenician. In the Greek the only certain instances for חלק *create* are *ektiistai*, Sir. xxxiv, 13 and the mistranslations of חלק by *ktizein* in Sir. Where the Apocrypha have *ktizein* or *ktisis*, ברא or one of the other verbs are the models, and the same applies to the N.T. In this context it is worth while calling to mind that Mark x, 6 *apo de archēs ktiseos* is reflected in the Damascus Fragments הבריאה ויסוד as was seen by J. L. Teicher (*JJS* v, 1954, p. 38). The new conception *create* was expressed by ברא, but even this was not rendered *ktizein* in the Pentateuch with the only exception of Deut. iv, 32. Instances of קנה *create* are found only during the stage of transmission of the LXX, viz. in the variant reading of Deut. xxxii, 6 and the interpolation of Gen. xiv, 19, 22. They bear the mark of revision and may well reflect N.T. usage.

The fact that in both verbs the connotation *create* took such a long time to gain ascendancy is due to concurring factors. On the one hand Greek *ktizein* firmly retained its original meaning *to people, found*, even in the Hellenistic period.<sup>1</sup> On the other, the idea of *creation* is so abstract that it was bound to achieve predominance only at a more advanced stage of sophistication. The earliest Hebrew conception of *creation* sees in it a species of craftsmanship (עשה, יצר) the Deuteronomistic school described it in terms of an economic process (חלק, קנה). There is nothing in the LXX proper to indicate that the translators went beyond the stages reached in Hebrew. The novel conception emerged with ברא, but even ברא is not rendered *ktizein* in the Pentateuch with the exception of Deut. iv, 32. The Greek translators were slow to follow the new

<sup>1</sup> W. FOERSTER, *Theol. Wörterbuch z.N.T.* iii, pp. 1024f.

achievement of Hebrew. קנה has hardly any part at all in this development.

Today, when translating such passages that are claimed to require the translation *create*, we should prefer equivalents which stress the idea of *ownership through acquisition*. By rendering *create* we commit an anachronism, looking for the mature fruit, where only buds can be expected.

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## NOTES AND COMMUNICATIONS

### HEBRAISMS IN THE "APOCALYPSE OF ABRAHAM"

In a study published last year in this *Journal*<sup>1</sup> we suggested that a number of difficult or strange words and phrases in the Slavonic texts of the "Apocalypse of Abraham" may best be explained by assuming that they are derived from a Hebrew original. The purpose of the following remarks is to supplement the examples given in our previous study. The first three of the present examples contain six instances of an unusual union of verbs with the preposition *v* (=in), all of which would be natural in Hebrew. The fourth example is almost certainly as literal a rendering as Slavonic would allow of a highly idiomatic Hebrew expression. Our last example is of the genitive feminine singular *orivy* in the Slavonic texts which points to the nominative *oriva* for *Horebh*. In the absence of an alternative explanation we are inclined to conclude that the Slavonic reflects here the Hebrew locative form *Horebhah*.

(a) The construction "to rule in" in a context suggesting the sense of "to rule over," one example of which was given in our previous study, occurs in two other places in the Apocalypse. The English translation employs in all three cases the verb "to rule," while the German translation employs "herrschen." The Slavonic texts use three different verbs, namely, *obladati*,<sup>2</sup> *derzhati*,<sup>3</sup> and *vlast'svovati*,<sup>4</sup> which would normally not take the *v* (=in) preposition in our instances. These Slavonic verbs represent different degrees of severity of rule and could be translated by the Hebrew verbs *shalat*, *mashal*, and *radah*, respectively, verbs which as often as not take in Hebrew the *beth* preposition. The English rendering of the Slavonic preposition by "among," which, curiously, coincides with the German rendering, "unter," appears to be a linguistic device to avoid the unnaturalness of the Slavonic preposition, but the English and German words would rather suggest the Slavonic equivalent, *mezhdū* or *srede*.

<sup>1</sup> Vol. IV (1953), No. 3, p. 108ff. For the editions of the Slavonic Texts S, A, and K referred to in this contribution, as well as for the translations of the Apocalypse, see *ibid.*, p. 108, note 1. For a fuller description of the Slavonic texts, see BONWETSCH, pp. 5-10. Unless otherwise stated, references to the Slavonic Bible are to the great revised edition of the Church Slavonic Bible published in Moscow in 1762.

<sup>2</sup> TIKHONRAVOV, p. 50 and p. 73; PORFIR'EV, p. 127; Box, p. 76. (Slavonic literally: *in them*.)

<sup>3</sup> TIKHONRAVOV, p. 51 and p. 74; PORFIR'EV, p. 128; Box, p. 77. (Slavonic literally: *in the heathen*.)

<sup>4</sup> TIKHONRAVOV, p. 53 and p. 76; PORFIR'EV, p. 130; Box, p. 84. (Slavonic literally: *in them*.)



## b) Chapter viii (Box, p. 43)

Abraham is warned by a voice of "a Mighty One" as follows: "... get thee out of the house [i.e., of Terah] that thou also be not slain *in the sins* of thy father's house." The italicised words are a literal rendering of *vo gresech* common to the three Slavonic texts. The Slavonic phrase appears to reflect here the idiomatic Hebrew usage *בענות* in which the preposition bears the sense of *for, on account of, through*. The Hebrew idiom is reproduced in a number of instances in the Slavonic Bible by the preposition *vo* (=in), the noun in the singular or plural being in the ablative case.<sup>1</sup>

## c) Chapter xii (Box, p. 51)

Abraham is told by his angel-guide that the latter would ascend upon the wings of the bird in order to *shew* Abraham *in* several specified objects and "*in the fulness of the whole world and its circle*,"<sup>2</sup> the passage ending with the words "*thou shalt gaze [look] in (them) all*."<sup>3</sup>

Now normally the verbs *pokazati* (=to show) and *uzreti* (=to look, to behold) take the direct object and, as far as we have the means of judging, the subordination in the cases under discussion is not natural. The irregularity can be explained, however, if we assume that the original had the verb *her'ah* for "to shew" and *hibbit* for "to look." The union of the verb *her'ah* with the *beth* preposition occurs in Ps. 1, 23; lix, 11(?); and xci, 16.<sup>4</sup> Of the construction *hibbit be . . .* the Old Testament offers a solitary instance in Ps. xcii, 12,<sup>5</sup> but it is common usage in the Mishnah and is well attested by the "Manual of Discipline" of the Dead Sea Scrolls,<sup>6</sup> not to mention the Midrashim. Indeed, so conspicuously Hebraic is the end of the Slavonic passage that

<sup>1</sup> For example, Je. li, 6; Ezekiel iii, 18, 19; xxxii, 8, 9; and Daniel ix, 16. In this respect, however, the usage of the Slavonic Bible is not uniform. Thus, for instance, the Hebrew is rendered more idiomatically in Gen. xix, 15; Leviticus xxvi, 39; Jos. xxii, 20; Is. xiv, 21, by the instrumental case (with or without the preposition *s*) or by the preposition *za* (*for*) governing the noun *sin* or *sins* in the accusative.

<sup>2</sup> TIKHONRAVOV, p. 40 and p. 63; PORFIR'EV, p. 120.

<sup>3</sup> *Ibid.*

<sup>4</sup> Neither the Slavonic Bible nor the early *Psalterium Bononiense* (ed. V. JAGIC, Vienna, 1907-17) and *Codex Pogodinianus* (printed in a parallel column of the former Psalter) contain the verb *pokazati*, a normal construction with a synonymous verb being used. The modern Russian authorised version has in Ps. 1, 23, *pokazhu* followed by the direct object (Brit. and For. Bib. Soc. edition, Vienna, 1914) and the Serb translation by VUK STEF KARADZ'HIC' (Brit. and For. Bib. Soc., Budapest, 1910) has the cognate verb with the direct object in Ps. 1, 23, and xci, 16.

<sup>5</sup> The construction "to look in" is not found in Ps. xciii, 12, in the Slavonic Psalters mentioned in note 8, nor is it found in the other versions mentioned there.

<sup>6</sup> iii, 7; xi, 3, 19; and possibly xi, 5-6.

a Hebrew version of it rings, as it were, more convincing than the Slavonic. We set here the two side by side :

<p><i>pokazati tebe</i><sup>1</sup> . . . v <i>ispolnenii</i>  <i>vselenyja i krug eja uzrishi</i>  <i>vo vsech.</i></p>	<p>להראתך . . . במלא (כל) הארץ          וחוזה בכל (ם) תביט.</p>
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(d) Chapter xxv (Box, p. 73)

"But the statue which thou sawest is mine anger wherewith the people anger me, etc." The italicised words are translated by Bonwetsch: "*ist mein Zorn, mit welchem mich erzürnt.*"<sup>2</sup> The Slavonic texts read: "*to est' razgnevanie moe imzhe razgnevajusja.*"<sup>3</sup>

It is almost certain that the Slavonic reflects here the highly idiomatic Hebrew construction in which the causative "to anger" is preceded by the cognate noun "anger" as the direct object—*וזה כעסי אשר יכעיסוני*. This defies analysis in terms of other languages. Syntactically, the Slavonic construction under discussion is practically identical with that found in the Slavonic Bible in 1 Ki. xv, 30; xxi, 22; and 2 Ki. xxiii, 26.<sup>4</sup>

(e) Chapter xii (Box, p. 50)

"And we came to the mountain of God, the glorious Horeb." Bonwetsch translates this passage as follows: "Und wir kamen zu dem Berge der Herrlichkeit Gottes Horeb."<sup>5</sup> Here Bonwetsch notes without comment: "*oriv S., oriva AK.*"<sup>6</sup> The actual words in the texts, however, are *oriv*<sup>7</sup> and *orivy*,<sup>8</sup> respectively. What Bonwetsch must have meant is presumably that S uses the uninflected form *oriv*, whereas AK use *orivy*, which is derived from the *nominative* form *oriva*.<sup>9</sup> The point is important and must be

<sup>1</sup> We quote these two words from memory, but are certain that form of *pokazati*, most probably the infinitive, is used.

<sup>2</sup> P. 35.

<sup>3</sup> TIKHONRAVOV, p. 49 and p. 72; PORFIR'EV, p. 126.

<sup>4</sup> Except that the verb *prognevati* and the noun cognate with it, but without the possessive pronoun, are used. It must be noted that the English translation "they shall rejoice with joy," which occurs in Box, at p. 85, is misleading by suggesting a construction similar to the one under discussion. The Slavonic has *vozradujutsja veseljashtesja* (PORFIR'EV, p. 130), while A reads the second word *veselujushti* (TIKHONRAVOV, p. 77). This is significant, for the Slavonic Bible renders on these lines the Hebrew *וְשִׂמְחָה* . . . *וְשִׂמְחָה* in Ze. iii, 17, and *וְשִׂמְחָה* in Ps. lxxviii, 4, while *וְשִׂמְחָה* in 1 Ki. i, 40, is rendered in the Slavonic Bible by precisely the same construction as *וְשִׂמְחָה*.

<sup>5</sup> P. 23.

<sup>6</sup> *Ibid.* This is the usual way in which BONWETSCH indicates the actual readings of the texts.

<sup>7</sup> TIKHONRAVOV, p. 40.

<sup>8</sup> TIKHONRAVOV, p. 62; PORFIR'EV, p. 119.

<sup>9</sup> One suspects that BONWETSCH may have failed to work out here the implications of a hint given to him by I. MASING, of Dorpat, on whose advice BONWETSCH often relied in translating the "Apocalypse of Abraham" (BONWETSCH, p. 70).

lucidated with the help of the Slavonic texts. Let us set out the divergent readings in full.<sup>1</sup>

S—*v gory Bozhija slavnyja oriv.*

A—*do gory Bozhija slavnyja orivy.*

K—*do gory Bozhija slavnyja orivy.*

It will be seen that S speaks of coming *into the mountains* in the plural, with which the accusative plural *Bozhija slavnyja* accords, *oriv* being in all probability the uninflected form corresponding to *Horebh* (Greek: *oreb*). On the other hand, AK speak of coming "*up to*" (or: *as far as*) *the mountain* in the singular. The words *Bozhija slavnyja orivy* in AK are formally, as they should be in consonance with Slavonic grammar, in the genitive feminine singular. The form *orivy* implies, however, the *nominative* feminine singular *oriva* and the problem is how AK could have arrived at the form *oriva* for *Horebh* (Greek: *oreb*).

The most natural explanation and the only one we can think of is that *oreba* stood in the Greek text or texts from which AK are ultimately derived. This would suggest that the locative *he* of the Hebrew חרבה was taken over in the Greek translation.<sup>2</sup> The difference between S and AK is understandable, since S is not dependent on the allied texts AK.<sup>3</sup> We conclude, then, that the Slavonic texts AK probably reflect a Hebrew version approximating closely the following: עַד הַרְהֵאֱלֹהִים הַמְהַלֵּל חֲרֵבָה. The preposition עַד (Slavonic: *do*) could be an echo of I Ki. xix, 8, and חֲרֵבָה of Ex. iii, 1, Abraham's journey to Horeb being reminiscent of Elijah's journey to the Mount, as related in I Ki. xix, and of Moses' sojourn in the Mount, as described in Rabbinic sources.<sup>4</sup> as well as in Philo's "Life of Moses."<sup>5</sup>

The Hebraisms (both Biblical and post-Biblical) suggested in our two contributions by no means exhaust the possible ones to be found in the "Apocalypse of Abraham." We hope to be able to devote a future study to the discussion of a number of points of exegetical interest on the assumption that the "Apocalypse of Abraham" was originally written in Hebrew.

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<sup>1</sup> We ignore one or two conventional abbreviations in the Slavonic texts and a minor orthographic peculiarity in Text A, as well as the difference in the person of the verb "*came*" which precedes our quotation.

<sup>2</sup> Comp. H. B. SWETE, *An Introduction to the Old Testament in Greek* (2nd edition, 1902), p. 324, esp. on *eis Louza* in Gen. xxxv, 6.

<sup>3</sup> BONWETSCH, p. 8.

<sup>4</sup> For references to these, see L. GINZBERG, *The Legends of the Jews* (Philadelphia, 1942), vol. v, p. 236, note 143.

<sup>5</sup> Book iii, 1, where, as in the Rabbinic sources, Moses is described as subsisting on the contemplation of the Glory of God.



## CURRENT LITERATURE

HAYYIM ROSEN, שיחות על לשון והיסטוריה (*Talks on Language and History*). 95 pp. Tel Aviv, Joshua Chechik, 1954.

The appearance of a series of popular lectures on general linguistics in Hebrew is something of an event. Strangely enough, in a community in which linguistic problems play such a vital rôle, interest in the processes of language has hitherto been very slight, and among the Hebrew philologists of today, Professor Tur-Sinai is almost the only one who has written on language in general. It is therefore welcome to have here an outline of modern views on grammar, semantics, and the history of writing presented in such an easy form. If any criticism is due, it is perhaps this, that some of the illustrative examples from French, Latin, etc., could without much difficulty have been replaced by instances drawn from Hebrew or Semitic. Where examples are given from Semitic languages, they are sometimes questionable. Thus (p. 37) Rosen compares the relation of Latin *rivus* and *rivalis* with that of *nahal* "brook" and *nahalah* "inheritance, estate." Comparison with the cognate languages shows, however, that at an earlier stage of the language, "brook" was *nakhlu*, but "inheritance" *nahalatu*.

Another instance cited by R. would seem to need re-formulation. On p. 56 he deals with the phenomenon of the assimilation of *tertiaie aleph* verbs to the conjugation of *tertiaie infirmae* (ל"ה) and proposes a new, synchronic, formulation of the state of affairs in Mishnaic Hebrew: that there was

only one class of verbs marked by a vocalic ending in the third sing. masc. perfect. However, this would hardly be a satisfactory synchronic statement, seeing that some of these verbs (the former *tertiaie aleph*) ended in *a* in the third sg. masc. imperfect *qal*, while the majority ended in *e* (e.g., *yiqra* as against *yibne*). At least there seems to be no evidence in MSS of the *e* penetrating into the *tertiaie aleph* class (no relevant examples are to be found in E. Porath's *Leshon Hakhamim*). In Biblical texts there are a number of cases where the omission of *aleph* in the spelling might create a wrong impression, but the forms never become in the imperfect really ל"ה, except for the one case of *yikhleh* (Gn. 23, 6; cf. Gesenius' Hebrew Grammar, 2nd Engl. edn. parr. 75 pp-qq). Rosen is right that one should not, on this synchronic plane, operate with merely etymological and orthographic *aleph*, but then we must say that Mishnaic Hebrew possessed two classes of verbs *tertiaie infirmae*.

Rosen is one of the chief defenders of current spoken Hebrew in the controversy which has now been going on for some years as to what constituted "correct" Hebrew. In two fascinating pamphlets, "Linguistic Processes" (in the series *Leshonenu La'am* of the Hebrew Language Council, Nos. 25, 32) he has been developing the concept of an "Israeli Standard Language," which he identifies with the informal speech used by those educated in Israeli secondary schools. In this book he frequently quotes forms of his

Israeli Standard to illustrate his points, and no doubt also in order to show that the deviations of this speech-form from classical Hebrew grammar can be justified on linguistic grounds. Thus he maintains that forms like *eshan* "I shall sleep" (for *ishan*), and the imperative *shan*, fem. *shni* (no Biblical occurrence available) fit in with the structure of the language.

Other scholars have rejected this plea for the recognition of modern spoken Hebrew (cf. especially Z. Ben-Hayyim, *Leshonenu La'am* 35/7). It appears to the outside observer that the discussion is carried on on the wrong plane. It is a commonplace of modern linguistics that the establishment of a dialect as standard has little to do with its intrinsic linguistic merits, but depends entirely on extra-linguistic social factors. The question whether that form of language has come into being by "normal" or abnormal processes is also irrelevant, particularly since the "abnormal" processes (*viz.*, the influence of other languages) are just as common as the "normal" ones. The changes which Hebrew undergoes in the speech of Israel today are interesting from a general point of view, whether one wishes to preserve these forms of speech or to fight them; indeed, a knowledge of the processes involved is indispensable for combating them efficiently. Besides, some of these "mistakes" illustrate happenings in older stages of Hebrew.

In Israel today, two spoken forms of the language are contending the field: one is classicist, grammatically conservative, and meticulous in distinguishing in sound all consonant letters except *sin* and *samekh*. This is used on the wireless, by some public speakers and language teachers, and is propagated in many schools

and by the "Society for Speech Culture." The other form is that used by most educated Israelis; it admits some deviations from grammarians' standards in syntax, grammar, and stress positions, and distinguishes much fewer sounds than appear in the Hebrew alphabet. This latter language is a "standard" in so far as it is being taken over by other speakers, including the Oriental Jews, whose own way of pronouncing Hebrew resembles more the form advocated by the Society for Speech Culture. Scholars like Rosen are therefore to be thanked for drawing attention to the peculiarities of this form of language. It seems, however, that a great deal more research is needed before we can say that we know its structure, or even that its structure is sufficiently uniform already for it to be seriously considered as an alternative official standard of correctness.

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ABRAHAM YAARI. *Ta'alumot Sepher*. Jerusalem, Mosad haRab Kuk, 1953.

This delightful little volume is one of the nicest possible examples of the application of the methods of the detective story to problems of Jewish scholarship. The anonymous work *Hemdath Yamim*, first published at Smyrna in 1731-2 and repeatedly thereafter, is a sort of mystical, ethical, and devotional guide to the Jewish year, which attained great popularity especially among the Oriental communities. The authorship was generally ascribed to Nathan of Gaza, the prophet and companion in arms of Sabbetai Zevi, but there are many reasons for which this seemed to be inherently improb-



able. Abraham Yaari has tackled the problem of authorship methodically, and by a detailed examination of the contents of the work has managed to determine a number of facts about the author. It was written about 1669 by a scholar then aged 77, who had already written several books; he was a native of Palestine who had spent some time in Jerusalem; his teacher resided in Safed; he was personally acquainted with Hayim Vital; he had travelled widely, having visited Egypt, Turkey, Italy, and Germany; and so on. Only one scholar of the seventeenth century known to us fulfils all these conditions—Rabbi Benjamin Levy, one of the best-known Palestinian

Cabbalists of the period, whose travels made him a familiar figure also in various other countries. Yaari gives his biography in detail; he omits, however, the fact that according to the *Livro y Nota de Ydades*, by Isaac Aboab, some passages of which I published in an article in the *Jewish Quarterly Review* in 1932, he married a daughter of Immanuel Aboab, the Marrano historian of Jewish tradition, who had first, while still a professing Christian, been the wife of a Florentine nobleman. But this is no more than a picturesque detail; Yaari has certainly proved his point.

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